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Canada Royal Commission
on pilotage

Hearings 1963
nos 69-71



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ROYAL COMMISSION

ON

35
PILOTAGE

HEARINGS

HELD AT

MONTREAL QUEBEC

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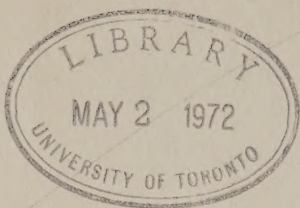
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Old Courthouse
Building, Montreal Quebec
on Monday, the 30th day of
September, 1963.

COMMISSION :

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith	Member
Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset	for the Shipping Feder- ation of Canada
Mr. C. Mason	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid- St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corp- oration of the Upper St. Lawrence Pilots.

* * * * *



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* * * * *



Montreal, Quebec
Monday, 8385
September 30th, 1963

PB/RPS

1 French

2 ---ON COMMENCING AT 10:00 A.M.

3

4 LE PRESIDENT: Est-ce que nous continuons
5 l'enquête de Quebec, le témoignage du Capitaine Rousseau,
6 qui a été suspendu?

7 MR. JACQUES: Voici, votre seigneurie. Il
8 a été entendu que nous continuons l'enquête de Quebec
9 ce matin, ici à Montreal, et nous reprenons la
10 transquestion du Capitaine Rousseau.

French 11 (THROUGH THE INTERPRETER.)

12 THE CHAIRMAN: Shall we go on with the
13 Quebec evidence that was suspended?

14 MR. JACQUES: My lord, it has been understood
15 that we are resuming the Quebec investigation here this
16 morning in Montreal and we go with the cross-examination
17 of Captain Rousseau.

English 18

19 CAPTAIN GASTON ROUSSEAU, Re-sworn

20

21 MR. BRISSET: My lord, if I may I would
22 like to continue my cross-examination of Captain Rousseau
23 in English?

24 THE CHAIRMAN: As you wish.

25 MR. BRISSET: During the course of my
26 cross-examination, my lord, I referred the witness to
27 the pilotage of one vessel, a Manchester
28 from Les Escoumains to Quebec which took a little over
29 six hours. I didn't have at the time actual information
30 on this particular voyage but I have now obtained a copy



1 English
2 of the account of the pilotage dues for that vessel
3 which was the MANCHESTER COMMERCE which was piloted
4 on August 30th. The pilot boarded at Les Escoumains
5 22:15 and left the vessel at Quebec at 04:30 on August
6 31st. Therefore, the voyage took six hours and fifteen
7 minutes. The total pilotage dues including the boat
8 charge was \$158.89. I would like to file the account
9 as Exhibit 712, I believe it is.

10 THE CHAIRMAN: 712.

11

12 ---EXHIBIT NO. 712: Account for pilotage of
13 the MANCHESTER COMMERCE
14 on August 31st.

15

16 CROSS-EXAMINATION BY MR. BRISSET (CONTINUED):

17

18 Q. Captain Rousseau, during the course
19 of my cross-examination in Quebec I had suggested to
20 you that possibly the statement in the form of Exhibit
21 590 which you may recall was the statement or a type
22 of statement which the shipowners might be interested
23 in having each year to determine how much by way of
24 pilotage dues each pilot had earned during the year.
25 You told me after having looked over Exhibit 590 that
26 the figures weren't reliable. Do you recall this?

27 A. Yes.

28 Q. I want to pursue this a little further
29 and ask you whether in your opinion it would be advisable
30 for the pilots of your District to obtain each year at
the end of the year a statement in a similar form to deter-



1 English

2 mine how much each has earned by way of pilotage dues in
3 his District, not only the pilot concerned, but also
4 what all the other pilots have earned. Would you think
5 this would be advisable?

6 A. As I stated before up to the time in
7 Quebec we didn't even know that these forms existed and
8 you are asking me to give you an opinion on these forms.
9 I haven't had time -- the only time I saw this form
10 was when I was in Quebec City. I don't know how they
11 are computed. I don't know if they are correct. I know
12 that we do keep, we have a balance sheet at the end of
13 the year and I know that our balance sheet is correct.
14 This I don't know.

15 Q. The balance sheet, however, that you
16 distribute to the pilots of your District doesn't show
17 by way of pilotage dues each of the pilots has really
18 earned; is that correct?

19 A. No, sir. We are not concerned in know-
20 ing this because as you know we have a pool and everyone
21 pools his earnings.

22 Q. Would you not think it advisable for
23 each of the pilots to have this information, to know
24 how much has actually got into the pool?

25 A. I don't see the necessity of this, no.

26 Q. Now, Pilot, when we left off in
27 Quebec I was suggesting to you that there was some
28 advantages to the Corporation to give substance to what
29 I call the fiction that the Association is still alive,
30 and I had pointed out to you that it permitted the



1 English
2 Corporation to obtain the control of the earnings of the
3 six pilots who had not joined the Corporation and whose earnings
4 averaged \$90,000 a year during the last three years, 1960,
5 1961 and 1962, and probably also in 1963. You remember
6 that we left off at that point?

7 A. I thought this question was over with.

8 Q. There is another advantage to the
9 Corporation which I would like to suggest to you. In
10 keeping the Association alive doesn't it permit, Captain,
11 the Corporation to cash the cheques of the Government
12 for pilotage dues that are made out to the order of the
13 Association and not the Corporation?

14 A. Not necessarily, sir. If I may bring
15 your attention to this modification and it states here
16 in French:

French 17 "Tous les actes et faits juridiques,
18 "y compris toute élection et nomination, et
19 "cetera."

20 (INTERPRETATION: "Actions and legal gestures
21 including nominations, elections, et cetera."
22 So I don't see it is necessary.)

English 23 Q. That is the very point I am making,
24 Captain Rousseau, the fact that the Association is kept
25 alive permits the Corporation to cash the cheques of
26 the Government that are made out to the order of the
27 Association.

28 A. These cheques are made out to the
29 Association -- I don't see there is any complication
30 there whatsoever. In the second part, do you think we



1 English

2 are interested mainly in the salary of the pilots which
3 are outside the Corporation -- not at all. I explained
4 before that these people were our confreres and if they
5 chose to remain outside of the Corporation for a certain
6 period of time for reasons which I don't know, I don't
7 think that we should keep them out completely of a
8 society which has been in existence for so many years
9 and that is why we kept the fellows in the Association.

10 Q. Let us go back over the procedure
11 which you followed and I am speaking here of the
12 Corporation: You receive from the Government a cheque
13 for pilotage dues made out to the order of the Association?

14 A. Yes, sir.

15 Q. How do you proceed to deposit that
16 cheque to the account of the Corporation?

17 A. I don't, sir. It is the Secretary-
18 Treasurer that does that. I could explain how he does
19 that. He endorses the cheque to the account of the
20 Corporation.

21 Q. The Secretary of the Association?

22 A. The Secretary-Treasurer.

23 Q. And then he deposits the cheque in
24 the account of the Corporation?

25 A. Yes, sir.

26 THE CHAIRMAN: And the bank president?

27 MR. BRISSET: Yes.

28 THE CHAIRMAN: Because the cheque is not
29 bearing the endorsement of the beneficiary of the cheque
30 that is it is made to the Association and the Secretary-



1 English

2 Treasurer endorses the cheque for deposit to the account
3 of the Corporation so therefore it is a bank liability
4 if anything is done wrong.

5 MR. LALONDE: But the Secretary-Treasurer
6 who endorses the cheque is the Secretary-Treasurer of the
7 Association.

8 THE CHAIRMAN: But he deposits to the . . .

9 THE WITNESS: To the Corporation.

10 THE CHAIRMAN: How is the endorsement made?

11 MR. LALONDE: I would have to . . .

12 THE CHAIRMAN: That is all right. Mr.
13 Rousseau should know. If he doesn't know that is all
14 right.

15 MR. LALONDE: I am informed that both names,
16 endorsement is made to both, Association and Corporation.

17 THE CHAIRMAN: That is what I wanted to know.

18 MR. LALONDE: This is my evidence.

19 MR. BRISSET: That I would like to have
20 checked.

21 THE CHAIRMAN: We will have that later on.

22 MR. BRISSET: Q. Captain Rousseau, is it not
23 a fact that if the Association wasn't alive -- was
24 dissolved -- in order to have pilotage dues earned by
25 the pilots paid to the Corporation you would have to
26 file with the Pilotage Authority a power-of-attorney
27 from each pilot permitting the monies to be paid over
28 to the Corporation; the dues earned by the pilots?

29 A. I would have to go back to our
30 regulations, sir, and read them through before I could



1 English

2 answer this.

3 Q. Captain Rousseau, are you aware that
4 in the District of Kingston where there is no Association
5 alive all the pilots that belong to the Corporation, they
6 have to file with the Minister of Transport a power-of-
7 attorney?

8 A. I believe so, sir. There is an Article
9 in our regulations here that doesn't necessitate this
10 power-of-attorney.

11 Q. Article of the Association?

12 A. In the Article of the Corporation, and
13 perhaps the Articles of the Association. If I may check . .

14 Q. Well, let us assume that I am correct
15 in this statement that if the Association wasn't alive
16 then each of the pilots would have to file a power-of-
17 attorney?

18 A. As I said I would have to read over
19 my regulations. I know there is a regulation here that
20 doesn't oblige us to have this power-of-attorney.

21 MR. LALONDE: My lord, I don't want to
22 interrupt my friend but I feel we are getting a little
23 argumentative on points of law at the present time. I
24 am not sure that the witness is the proper person to
25 testify what would happen if, and how are they entitled
26 to and all that. My impression is it is a point of
27 argument between lawyers.

28 THE CHAIRMAN: His answer was right, I would
29 have to consult my By-Laws and also he might add my
30 legal adviser.



1 MR. BRISSET: Q. I am prepared to leave aside
2 the legal points, just assume the facts.

3 THE CHAIRMAN: You may do both.

4 MR. BRISSET: Q. Captain Rousseau, you have
5 explained to us, for instance, when a new pilot is
6 indentured you tell him what are the advantages of
7 joining the Association and joining the Corporation and
8 when the pilot has agreed they sign, first of all, the
9 Articles of the Association and then a form of adhesion
10 by which they consent to dissolve the Association
11 and then the other form, that you know of, which provides
12 that all the By-Laws of the Corporation are incorporated
13 in the Articles of Association. Do you remember having
14 explained that?

15 A. I explained that as good as I could,
16 yes, sir.

17 Q. Now, if the Association wasn't alive
18 I would assume for the moment -- I will ask you to accept
19 that instead of these documents you would have to ask
20 the pilots to sign a power-of-attorney under which they
21 would assign for their lifetime as pilots their earnings
A2 22 to the Corporation as a separate entity; is that correct?

23 A. Well, sir we still do up to now and
24 we still have six pilots which are not in the Corporation.
25 This question didn't come up to our mind and we didn't
26 ask legal advice on it.

27 Q. Assuming that the pilots would have
28 to sign this power-of-attorney do you not think, Captain,
29 that a pilot might hesitate before signing the power-
30 of-attorney transferring his earnings to the Corporation



1 English

2 for the rest of his life as a pilot?

3 A. This question didn't arise up to now.

4 Q. You have been able to avoid this problem?

5 A. The problem didn't even creep up, up
6 to now.

7 Q. Again, on this topic of the advantages
8 of keeping the Association alive, Captain, I would like
9 you to look at another situation: Let us assume that
10 the Corporation were to decide as it did in April, 1962
11 to hold a meeting and stop work, and assume that the
12 dissident pilots, that are not members of the Corporation
13 would decide to pilot during the stoppage of work, isn't
14 it a fact that in such a case their earnings would, never-
15 theless, be turned over to the Corporation and form part
16 of the pool and be distributed amongst all the pilots
17 whether they worked or not? Isn't that what would happen?

18 A. The first part of your question when
19 you mention a meeting which was held in 1962, these
20 meetings were held together, I mean the Association and
21 the Corporation, and some of the members of the Assoc-
22 iation were present at these meetings -- some member,
23 one member, but he was the mouth-piece of the others.
24 He was representing all the others. They were there.
25 He was there.

26 Q. Let us assume, Captain, that these
27 dissident pilots, not members of the Corporation did
28 decide to work in 1962 during the 11 or 12 days there
29 was a stoppage of work. What would have happened to
30 their earnings?



1 English

2 A. Well, sir, they are members of the
3 Association and I believe that we have a By-Law which
4 takes care of that.

5 Q. In other words their earnings . . .

6 A. Yes.

7 Q. Their earnings would have to come
8 into the fund of the Corporation?

9 A. Into the common fund.

10 Q. And they would have been distributed
11 amongst all pilots?

12 A. I don't know. You are taking me into
13 a situation which didn't occur yet. We haven't studied
14 this question yet.

15 Q. You have filed as Exhibit 699, Captain,
16 a copy of the minutes of the meetings during the stoppage
17 of work from the 4th of April to the 13th of April, 1962.
18 Looking over the attendance at these meetings I find that
19 five of the members of the Association who are not members
20 of the Corporation weren't present at those meetings.
21 You might check yourself. Is there any reason for their
22 apparent lack of interest?

23 A. I think they were interested all right
24 but the reason they didn't come, I don't know, sir.
25 I know that they sent a representative at the first
26 meeting which we had, and I was there, I was Chairman
27 of the meeting and I know there was a man there and he
28 was quite welcome the same as the others.

29 Q. It was a meeting of the Corporation?

30 A. No, it was a joint meeting of the



1 English

2 Corporation and the Association.

3 Q. It was held where?

4 A. It was held in Quebec City at the
5 Chateau Laurier.

6 MR. LALONDE: If the witness could read the
7 title of the meeting we would see.

8 THE WITNESS: If I may, as I said it was a
9 joint meeting. May I read it in French?

10 MR. BRISSET: Q. I am satisfied if you say
11 it was a joint meeting in the minutes.

12 THE WITNESS: Yes, sir, it was a joint
13 meeting. It says:

14 "Assemblée générale spéciale des
15 "membres de la Corporation des Pilots du
16 "Bas St. Laurent, et de l'Association des
17 "Pilotes Licenciés pour le Havre de Québec
18 "et en aval tenue au Chateau Laurier, 695
19 "Grande Allée, Québec, mercredi, 4 avril
20 "1962 à 9:40 heures de l'avant-midi."

English 21 (THROUGH THE INTERPRETER: General special
22 meeting of the members of the Corporation of Lower St.
23 Lawrence Pilots and also of the Association of Licensed
24 Pilots for Quebec Harbour and Below at the Chateau
25 Laurier, 695 Grand Allée, Quebec at 9:40, April 4th,
26 1962.)

27 MR. BRISSET: Q. Could I go back to the
28 question I was asking you: Is there any explanation
29 for the absence of five of the pilots who are not members
30 of the Corporation at these meetings?



1 English

2 A. Well, sir, some of them might have
3 been outside at the time. They might have been at the
4 Station at Les Escoumains. I know there was one fellow
5 that belonged to the Association that was there, yes.
6 There were quite a few members of the Corporation which
7 weren't there either, as you know, if you read over the
8 list.

9 Q. You can't give me any explanation
10 of the fact?

11 A. One out of six, that is average.

12 Q. Was the average for the members of the
13 Corporation the same, one out of six?

14 A. There might have been a little more.

15 Q. You were asked, Captain, to provide
16 us with a copy of the forms of adhesion to the Corpor-
17 ation during the year 1960. Have you brought those with
18 you?

19 A. Yes, sir.

20 MR. BRISSET: My lord, I don't want to
21 delay the proceedings this morning. I would like to have
22 the opportunity to look at these documents and question
23 the witness on them later if necessary.

24 THE CHAIRMAN: That is all right.

25 THE WITNESS: In any case, sir, there were
26 53 signatures on the 25th of April, 1960 when we asked
27 for our charter.

28 MR. LALONDE: My lord, might this be a
29 proper time to file this photostat of the demand
30 d'adhesion to the Corporation of Lower St. Lawrence Pilots?



1 English

2 THE CHAIRMAN: Was there a number already
3 given? I don't think so. It will be Exhibit 713,
4 photostat copy -- ?

5 MR. LALONDE: Photostatic copy of the demand
6 d'adhesion -- application for entry into the Corporation
7 of the Lower St. Lawrence Pilots. I would like to
8 annex to this document another document which is entitled
9 "Corporation des Pilotes des Bas Saint Laurent." They
10 signed the application for entry into the Corporation
11 of the Lower St. Lawrence Pilots. That was before the
12 25th of April, 1960, and also a list of those who signed
13 after April 25th, 1960, April 25th, 1960 being the date
14 upon which the request for letters patent was made,
15 I understand.

16 THE CHAIRMAN: These could be filed as a
17 bundle?

18 MR. LALONDE: Yes, my lord.

19
20 ---EXHIBIT NO. 713:

Photostatic copy of the
demand d'adhesion or
application for entry into
the Corporation of the
Lower St. Lawrence Pilots;
annexed to which is another
document entitled "Corpor-
ation des Pilotes des Bas
Saint Laurent."

25
26 MR. BRISSET: Q. Captain, you have been
27 in close contact with the Association and also with the
28 Corporation since you have been indentured as a pilot
29 in 1952?

30 A. Yes, sir.



1 English

2 Q. As far as the Association is concerned,
3 Captain, am I right in saying that its main function,
4 main purpose is to create, maintain and administer the
5 pooled funds of the pilots; is that a fair description?

6 A. Of the Association?

7 Q. Yes?

8 A. I don't know if the rule of the
9 Association describes it so well, but I have it in front
10 of me as far as the Corporation is concerned, in Article
11 2, for instance, paragraph E states this very well in
12 the Corporation.

13 Q. From a practical point of view in
14 your own experience since you have been a pilot
15 and so far as the Association is concerned
16 am I not right in stating that its main function, its
17 main purpose is to pool funds and administer them?

18 A. This is one of the causes but not
19 only. I read that before, all the benefits and all the
20 laws. The By-Laws of the Corporation, and Article 2
21 states here in French -- it goes to explain from A down
22 to G.

23
24
25
26 -
27
28
29
30 -



MR/RPS

1 English

2

3

(b) for instance states in French:

4

French

5

(THROUGH THE INTERPRETER.)

6

"Fournir à la navigation un service

7

"efficace de pilotes"

8

English

9

That is a very good clause here and we
did not have it, this clause, but we had many things
which are better than this one.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

A. It might have been one reason, yes.

Q. Insofar as the Corporation is concerned,
would I be correct in stating Captain Rousseau that
it was created, if I may say so, as an instrument to
administer pilotage services within the District, and
also to pool the earnings, I do not deny, but mainly



1 English

2 to administer pilotage service within the District?

3 A. You are talking about the Association?

4 Q. The Corporation?

5 A. Well I think I was clear on this, on the
6 fact that in 1959, as I explained before, and I say it
7 again, that these By-Laws were so out of date but not I
8 but the President, Mr. Barras at that time was the one,
9 with the Administrator, that stated we should restudy
10 these By-Laws and try to bring them up to date.

11 That is how we got these new By-Laws here
12 incorporated.

13 Q. What I am driving at, Captain, is
14 that, and I want you to tell me whether you agree or
15 disagree, is that the Corporation goes much further than
16 the Association in its objectives?

17 A. It doesn't go much further but I
18 think the By-Laws are much clearer. If you studied these
19 (indicating) and if you go back and study these (indic-
20 ating) I think that these (indicating) are much clearer
21 than these (indicating).

22 Q. Now you are aware of the recommendations
23 contained in the brief of the Federation of the St.
24 Lawrence Pilots advocating that the Corporation of Pilots
25 themselves should administer pilotage service on the
26 St. Lawrence?

27 A. Yes

28 Q. Well isn't the Corporation intended
29 to be the instrument in your District by which the
30 pilotage services will be administered?



1 English

2 A. When these were made, they were not
3 made -- they were made, as I stated, to bring the
4 Association By-Laws up to date.

5 Q. I draw your attention to Paragraph 2,
6 sub-Paragraph (b) of the By-Laws of the Corporation of
7 the Lower St. Lawrence Pilots which reads, and I have
8 here only the French text:

French 9 "Fournir à la navigation un service ef-
10 "ficace de pilots."

11 (THROUGH THE INTERPRETER: To give navigation
12 and efficient service of pilots.)

13 Paragraph C:

14 "Règler l'exercice du pilotage par ses
15 "membres, dans les limites permises par la loi."

16 (THROUGHT THE INTERPRETER: To govern
17 pilotage by its members within the limits allotted by
18 law.)

English 19 Now what I have just read Captain Rousseau
20 goes much further, doesn't it, than what the Association
21 was intending to accomplish?

22 A. No. If I may draw your attention
23 to the footnote at the end of Article 2 which states:

French 24 "Le tout sujet aux prescriptions de
25 "la loi de la Marine Marchande du Canada
26 "et des Règlements du Pilotage faits en
27 "vertu de la dite loi."

28 (THROUGH THE INTERPRETER: Everything is
29 subject to the provisions of the law of the Canada Ship-
30 ping Act and the provisions of Pilotage which have been



French

issued under such By-Law or Act.)

Q. I am just suggesting to you that in fact the Corporation is intended to be the instrument through which pilotage will be administered if the recommendations of the Federation are accepted eventually by Parliament?

A. It covers it, yes.

Q. Now Captain, I would like to draw your attention to Section 6 of the Articles of the Association which provides, and I quote:

"La société est formée pour une
durée de 56 ans à partir de la date de la
mise en force () et devra
par conséquent prendre fin le 21 mai
1980 pour tous les membres, quelle que
soit la date de leur entrée, ou, le cas
écheant, jusqu'à la mise à la
retraite ou le décès de tous les membres,
si cet événement se produisait avant le
terme fixé."

(THROUGH THE INTERPRETER: The Society is established for a duration of 56 years beginning with the date of its entry into force on 21st May 1924 and shall, therefore, terminate on 21st May 1980 for all members whatever their entrance date is or as required until the retirement or death of all members, if such an event was to happen before the expiration date established, or set forth.)

You will agree with me that the life of the



1 English

2 Association is limited?

3 A. Yes sir.

4 Q. Will you also agree with me that the
5 life of the Corporation is not limited?

6 A. I agree with you and I think it is
7 a good point. It is one of the advantages of being
8 incorporated.

9 Q. Isn't it a fact that the Corporation
10 was formed for the very purpose of doing away with the
11 limit on the life of the Association?

12 A. No sir. It was explained to the
13 members, the members were quite agreeable to signing
14 this; to having it that way. As I said before, the
15 members -- every Article was read word by word and
16 explained to the members by the legal adviser that we
17 had at that time and when they signed this Act, they
18 understood what they signed, I believe.

19 Q. I hope your members understood what
20 they signed when they signed.

21 A. Well as I said, we had three meetings
22 and they had these By-Laws in their hands for a long
23 time for the purpose of studying them, and as we stated
24 before, we did not want them to sign anything before we
25 had the very last meeting and we gave them ample time to
26 read them. We explained them to them. I did not, the
27 legal adviser at the time, and they were asked to ask
28 all the questions that they wanted, which they did.

29 Q. To put it in another manner Captain,
30 isn't it the effect of the eternal life of the Corporation



1 English
2 that the pilots who become members of such Corporation
3 do, in fact, transfer their earnings as pilots for the
4 whole of their pilots' life without any limit as to time?
5 Isn't that right?

6 A. Right now it is a fact, yes. I explain-
7 ed why. I explained why the reason why the pilots
8 should pool their earnings. I don't think I have to
9 repeat again the advantages of a pooling system.

10 Q. Have you obtained, Captain, in your
11 official capacity as President of the Corporation counsel's
12 opinion on the legality for the Corporation obtaining
13 a transfer of its members' earnings for the rest of
14 their earning life? Have you obtained such an opinion?

15 A. If I obtained it? I might have, yes.

16 Q. You said you might have?

17 A. Yes. You are getting a little deep
18 for me, as far as law is concerned. I think there is
19 certainly law which covers this. As a matter of fact,
20 I looked at it in Quebec.

21 Q. You are satisfied that this is legal
22 and admissible for the Corporation according to the
23 advice you received?

24 A. Yes sir. Certainly.

25 MR. LALONDE: If I may give evidence,
26 legal advice was given.

27 THE CHAIRMAN: Was given?

28 MR. LALONDE: Yes. And the legal advice
29 was that it was correct to do it.

30 Q. I think you have told us Captain that



1 English

2 all the pilots that have been indentured as pilots since
3 the Corporation was formed have joined the Corporation.

4 That is correct?

5 A. That is correct, yes.

6 Q. Now let me ask you this Captain: Is
7 it the eventual objective of the Corporation that no
8 pilot in your District will be permitted to pilot unless
9 he becomes a member of the Corporation?

10 A. That is a question that never came
11 up to our mind. Never did.

12 Q. To be quite frank about this, isn't
13 that one of the objectives of the organization at the
14 moment?

15 A. To have all in the Corporation?

16 Q. To have all pilots that will be
17 indentured from now on become members of the Corporation?

18 A. Of course it would be desirable but
19 as I said before there was no pressure put on anyone
20 to sign anything.

21 Q. Well how far is the objective of the
22 Corporation to obtain this?

23 A. The objectives of the Corporation are
24 right here in Article 2, as I said before, from A to G.
25 They are our objectives.

26 Q. Well Captain if I may be quite frank
27 with you, I am still a bit puzzled by the fact that
28 since 1960 the new pilots when they become members of the
29 Corporation have signed the adhesion form before being
30 actually indentured as pilots while in your time, and if



1 English

2 I may refer to your own application, in 1952 you were
3 indentured as a pilot on April 7th 1952 and signed the
4 Articles of the Association on April 16th 1952?

5 A. Well sir to answer you this, as I
6 said before the Board of Examiners when they have finished
7 with the new pilot, as I said on this Board you have
8 two government representatives and when he has finished
9 his examination and successfully passed his examination,
10 we know that it is only a matter of days when he will
11 receive his licence. It has been in the past the way
12 that this fellow should be put on tour de role the
13 day he has passed his licence, even if he has not
14 received his licence in hand, let us say.

15 We did not see why we should wait for a
16 week, two weeks, even a month for him to sign as we
17 knew that he would receive his licence. He was told that
18 he would receive his licence and there was four witnesses
19 to that, three pilots and another government represent-
20 ative and the President of the Board of Examiners. He
21 is the one that told the candidate that he had passed
22 successfully his examination and that he would receive,
23 in the very near future -- the future is much nearer
24 now for these pilots than it was before, and that is
25 why we ask them to sign. We did not see why we should
26 wait for this pilot to have his licence in his hand
27 and was told when he would receive it anyhow. We
28 trusted people.

B2

29 Q. If you had asked these pilots at that
30 time to sign a power-of-attorney under which they would



1 English

2 transfer all their earnings to the Corporation for the
3 rest of their pilots' life, instead of the complicated
4 form that we have before us, would you not think that
5 they might have hesitated?

6 MR. LALONDE: My lord, my friend has made
7 a statement before that he is puzzled with this or that.
8 If he is puzzled, this is his problem, not the witness'
9 problem. He has not asked a question. Now he asks
10 if such a thing had happened, it might have been this
11 or that. Again I think that my friend is just as good
12 a witness to that as the witness in the box, what would
13 have happened if ---

14 THE WITNESS: I think I can answer that
15 with an answer which would give the answer to the
16 witness, what your confrere is trying to find out. I
17 will allow the question because if I say what I was
18 going to ask, the witness would know.

19 MR. LALONDE: I could have made my statement
20 in such a way as to give the answer to the witness but
21 I won't do it. My friend has been pursuing this line
22 for some time.

23 THE CHAIRMAN: The question is allowed.

24 A. In any case, ever since we have
25 given courses to the future candidates in the wintertime,
26 the candidates are well-aware of these By-Laws. They
27 do travel with us for six or seven years, with all the
28 pilots, and I believe that they know what are in the
29 By-Laws and we give them courses in the wintertime and
30 they are, I think -- I was told even they had a form



1 English

2 of these By-Laws and they asked all the questions which
3 they wished to know.

4 Q. Let's leave the subject that puzzles
5 me Captain and pass on to another one. I believe, if I
6 am not wrong, that you have been President of the Corpor-
7 ation since 1960 and also an administrator of the
8 Federation?

9 A. That is correct.

10 Q. There are, I understand, permanent
11 Committees in the Corporation?

12 A. Yes sir.

13 Q. And the first one I believe is the
14 Management Committee or Comité d'Administration?

15 A. The Comité d'Administration is the
16 first one.

17 Q. And then you have the Comité de Règle.
18 I am speaking of permanent sub-Committees now, not the
19 main Committees.

20 A. You have the Comité d'Administration.

21 Q. You have also the Comité de Règle or
22 Management?

23 A. The Comité de Règle, that is correct.

24 Q. Now let us take the Committee of
25 Management or sub-Committee of Management first. This
26 is covered by By-Laws 28 to 31. Now Captain I take it
27 that in your capacity of President of the Corporation
28 you are also President or Chairman of that sub-Committee?

29 A. Right.

30 Q. This Committee, is it not really the



- 1 English
- 2 Executive Committee, the one that does the administration?
- 3 A. Not really sir, no.
- 4 Q. I am speaking of the sub-Committee it-
- 5 self.
- 6 A. No. This Committee is the Operations
- 7 Committee. This looks after the items which are not
- 8 very large items. If we come to something important,
- 9 we call for the large Committee. Administration. This
- 10 one looks after the everyday things that might come
- 11 up, like correspondence, for instance, and stuff like
- 12 that.
- 13 Q. Isn't the Executive Committee, Captain,
- 14 that one that puts into effect from day to day the
- 15 decisions of the Board of Directors?
- 16 A. You mean the Comité de Règle?
- 17 Q. Yes?
- 18 A. Most of the time it is. It is the
- 19 large Committee which has been working in our District.
- 20 Q. Now there is another permanent sub-
- 21 Committee, the Committee of Admission and Promotion which
- 22 is dealt with in the By-Laws No. 40 to 42?
- 23 A. That is right.
- 24 Q. You are also the Chairman of that sub-
- 25 Committee?
- 26 A. No sir.
- 27 Q. You are not on that sub-Committee ?
- 28 A. I do not sit on that Committee, no.
- 29 Q. You do not?
- 30 A. No. This Committee deals mostly with



1 English

2 apprentices.

3 Q. Will you explain to me what are the
4 functions of this particular sub-Committee in relation
5 to the apprentices from a practical point of view?

6 A. This Committee will look after, for
7 instance, the courses which are given in the winter.
8 They will pick the pilots, or they will ask the pilots
9 if they want, for instance, to teach them in the winter.
10 They will keep the correspondence as far as apprentices
11 are concerned, up to date. They will keep an eye on
12 the apprentices, on their behavior, on the way they
13 even dress on ships, the way they stand. They will
14 see that these apprentices do their work in the proper
15 manner. That is mostly the work that this Committee
16 does.

17 Q. What about the aspiring apprentice
18 pilots? What is the Committee to them? This is the
19 category, the ones who want to become apprentices?

20 A. The list, as you know, we still have
21 this apprenticeship list, but we do not have any more
22 on this list -- this will come under the new By-Law,
23 as far as the aspiring apprentices when this list,
24 as it now exists, will become extinct.

25 Q. What is the Committee or sub-Committee
26 in connection with the selection of the candidates,
27 the ones who want to apply to become apprentices?

28 A. Right now they do not, sir because,
29 as I said, the list -- we have about 50 on this list
30 and as it goes down -- as a matter of fact, we don't call



1 English

2 for any aspiring pilots and we did not up to 1960.

3 Q. Isn't it the objective, eventually,
4 of that sub-Committee to select the candidates who
5 want to sign as apprentices?

6 A. No sir. It will be the duties of the
7 Board of Examiners to do that, and not this Committee
8 here. The Board of Examiners, where you have five members
9 on this Board. They are the ones that will examine
10 the future candidates.

11 Q. The Board of Examiners you are talking
12 about now is the Board of Examiners composed of one
13 representative of the Department of Transport?

14 A. Two sir.

15 Q. And three pilots?

16 A. Right. It's in the By-Laws.

17 Q. I see in the same Article, Article 41,
18 mention under sub-Paragraph (f) about the matter of
19 promotion of pilots. Will you explain Captain what is
20 the function of the sub-Committee in this regard, from
21 a practical point of view?

22 A. This wasn't put into effect, because,
23 as I said when the Class A pilots were chosen, we wrote
24 a letter stating that we would leave the Government to
25 do that entirely of selecting these Class A pilots first
26 by order of seniority and then by their past performance,
27 the dossier, and that letter has been filed I believe,
28 so this Article does not really come into effect.

29 Q. Would you not agree Captain that if
30 these By-Laws were put into their full effect the



1 English

2 Corporation would wield considerable power in both the
3 selection and promotion of pilots in the District?

4 A. Only promotion; what now happens in
5 our District is the Class A pilots, as I stated before
6 we had this -- we wrote to the Department to this effect
7 stating that we wanted the Department to select the
8 Class A pilots.

9 Q. There is also Captain another sub-
10 Committee which is a permanent one under the By-Laws,
11 namely, the Discipline Committee. Isn't that correct?

12 A. Well there is Article, I believe 104
13 that states here that whenever the pilots, or two-thirds
14 want this it will be put into force but right now it
15 doesn't exist.

16 Q. Yes, I recall you told us it had not
17 yet been formed.

18 A. That is right sir.

19 Q. Isn't the intention, however, of the
20 Corporation to form such a Committee in the near future?

21 A. Not right now sir, no, but it was
22 left there when we formed this Corporation -- it was
23 left there in case some day it might be necessary or
24 it might be a good idea to have it. But Article 104
25 here states that Article 8, 43 to 49 I mean are not
26 into effect now.

27 Q. I take it that you attended the meet-
28 ings held in February of this year of the pilots of
29 various Districts on the St. Lawrence, I think it was
30 the Federation or the Corporation?



1 English

2 A. I was Chairman of the meeting on the
3 second Wednesday of January in Quebec, yes.

4 Q. I am speaking of a meeting in February
5 at l'Esterel.

6 A. I was there, yes sir not as Chairman.

7 Q. In what capacity?

8 A. As a member of the Board.

9 Q. The Board of Administration of the
10 Federation?

11 A. Right.

12 Q. On the subject of the formation of
13 Discipline Committee, particularly of a Discipline
14 Committee in the District of Quebec, I would like to
15 quote to you from an article which appeared in the
16 Le Devoir , the issue of February 4th 1963 and I would
17 like you to tell me whether the words related therein
18 as being the Federation's made at the time are in accord
19 with what actually was advocated at the time, and I
20 read:

French 21 "Le projet de règlement en vue de
22 "la constitution d'un comité de discipline
23 "qui aurait juridiction sur tous les membres
24 "des associations qui font partie de la
25 "Fédération des pilotes du St. Laurent n'a pas
26 "donné lieu à une décision au cours du
27 "congres. mais il suscita un intéressant
28 "échange d'idées. Plusieurs pilotes ont
29 "insisté sur le caractère arbitraire de
30 "décisions disciplinaires de la part des



1 French

2 "fonctionnaires du ministère des transports,
3 "à Ottawa, L'administration fédérale veille
4 "à l'application des sections de la loi de
5 "la marine marchande qui régissent le pilot-
6 "age mais il serait opportun, selon les
7 "avis exprimés, d'assurer l'établissement
8 "d'un comité de discipline qui, par des avis
9 "judicieux, pourrait prévenir les sanctions
10 "fédérales."

11 (THROUGH THE INTERPRETER: The draft By-Laws
12 concerning the constitution of a Discipline Committee
13 which would have jurisdiction over all members of the
14 Association who are members of the Federation of St.
15 Lawrence Pilots did not give rise to an action or
16 decision during the Congress but it posed an interesting
17 exchange of views. Several pilots have insisted on the
18 arbitrary nature of disciplinary measures from civil
19 servants of the D.O.T. in Ottawa. Federal administration
20 see to the application of Sections of the Canada Shipping
21 Act which regulate the pilotage but it would be opportune,
22 according to honest expression, to ensure the establish-
23 ment of a Discipline Committee which, by judicious advice,
24 could prevent Federal sanctions.

English 25 Would that be the purpose of a Committee of
26 Discipline in your jurisdiction, namely, the purpose
27 outlined in the declaration reported which I have read
28 to you?
29
30



/PB/RPS 1 English

2 A. I don't know if that description
3 from the newspaper, Le Devoir, would be correct. I
4 know that we talked -- there were talks, discussions
5 about Discipline Committee. I agree about that.

6 Q. As mentioned in this extract I read
7 to you of arbitrary decisions in matters of discipline
8 by the Pilotage Authority, have you had this type of
9 event in your District?

10 MR. LALONDE: On this point again I would
11 like to know if this is what the newspaper says or is it
12 correct.

13 MR. BRISSET: Perhaps this witness would
14 like to tell us whether the extract that I have just
15 read -- I will ask a question: I have read you an
16 extract of an issue of Le Devoir, February 4th, 1963.
17 Does it or does it not represent a proper report of the
18 discussions that took place at the time?

19 A. I would not be prepared to say right now,
20 no. If I base my opinion on what Le Devoir said about
21 the narcotic problem that came up in Quebec -- no,
22 I am not prepared to say it is correct, no.

23 Q. Was it or wasn't it correct this
24 report when it stated that it was thought opportune to
25 appoint a Discipline Committee which by judicious advice
26 would prevent sanctions being taken by the Pilotage
27 Authority?

28 A. No, I don't think -- prevent sanctions
29 by the Authority -- I am sure it didn't come in the
30 discussions, of course not.



1 English

2 Q. Am I right that in understanding that
3 it is not the policy of your Corporation in Quebec to
4 interfere with the Pilotage Authority in its application
5 of disciplinary measures?

6 A. You asked me that question in Quebec
7 and I answered no, of course not. I said, and I will say
8 it again, that discipline could be a little stronger and
9 we would welcome this.

10 Q. But the Corporation will not in any
11 way . . .

12 A. Interfere.

13 Q. Interfere . . . ?

14 A. Of course not.

15 Q. With the exercise by the Minister of
16 his disciplinary powers?

17 A. No, sir.

18 Q. I want to go back to one particular
19 incident in this connection, Captain. You were in
20 Court, weren't you, when the Superintendent, Mr. Maheux
21 dealing with a case of the particular pilot which I
22 will call No. 70 on Exhibit 644 -- I should interrupt
23 here, do you know the pilot I am talking about?

24 A. Mr. Jacques is going to show me.

25 Q. Will you look at Exhibit 644.
26 You were here when the Superintendent of Pilots for
27 Quebec told us in connection with this particular
28 pilot that he had received from the Corporation a medical
29 certificate apparently intended to explain the absence
30 of this pilot from his duty. Do you recall that?



1 English

2 A. Yes, I am the one that gave Mr. Maheux
3 the certificate.

4 Q. Will you tell us how the Corporation or
5 you came to obtain this certificate and pass it on to the
6 Superintendent?

7 A. Yes, sir. The Secretary-Treasurer
8 came to me and he said that he had a visit by Mr. No. 70
9 and he said that he had given him a medical certificate.
10 I said that I wasn't interested. I had nothing to do
11 with this. It was up -- this man had to report to the
12 Authority, to Mr. Maheux and I had nothing to do with
13 this. Mr. Maheux was in the back and when I was talking
14 to him I asked him if he had a visit of this man and
15 he said no. I said, he came to our Corporation and
16 gave us a certificate if you want it you can have it.
17 He went and got it, I believe from Mr. Menard, our
18 Secretary so I gave it to him or a copy of it. I said
19 you can do whatever you like. He said I will take it.
20 I said, all right then.

21 Q. Who said, "I will take it?"

22 A. Mr. Maheux. I said, he came and gave
23 us a certificate and if you want it you can have it.
24 We have nothing to do with this. Well, he said, I will
25 take it.

26 Q. Has it been the practice of the
27 Corporation officially to provide the Superintendent
28 of Pilots medical certificates?

29 A. No, sir.

30 Q. In case of pilots having been absent?



1 English

2 A. No, sir. This was a special case,
3 I guess.

4 Q. Would you not think it rather a serious
5 thing if the Corporation officially passed on to the
6 Superintendent a medical certificate justifying the
7 absence of a pilot?

8 A. No, because . . .

9 MR. LANGLOIS: If I may interrupt at this
10 point, it looks to me as if my learned friend unwittingly
11 is putting words in the mouth of the witness. He never
12 said the certificate was passed officially by the
13 Corporation. He said we told Mr. Maheux we have the
14 certificate if he wanted it. He could have it. We
15 had nothing to do with it. My learned friend added
16 saying it was official. He added to the testimony.

17 THE WITNESS: I said to Mr. Maheux, I told
18 Mr. Maheux if you want it you can have it. As far as
19 we are concerned we have nothing to do with this. So
20 Mr. Maheux said I will take it, but he said afterwards
21 it doesn't matter if I have this in hand because I told
22 him to report to us and until he does I will just wait,
23 that is all.

24 MR. BRISSET: Q. Is it usual for pilots
25 who have been absent in your District to submit a
26 medical report to the Corporation before submitting it
27 to the Superintendent?

28 A. No, sir, no, sir, never, no.

29 Q. Was that the first time it has ever
30 been done?



1 English

2 A. I guess it was, yes. As a matter of
3 fact, Mr. Menard came at the court and told me he had
4 received a visit of this man and I told him right there
5 and then we have nothing to do with him. It was up to
6 the Authority, the local Authority at Quebec, and not
7 us to look after the matter.

8 Q. Am I right in understanding from what
9 you have just said in the case of this particular pilot
10 you didn't want to take any official interest in his
11 absence justifications?

12 A. Not in the case of that pilot or any
13 other. We don't look after this at all. The Authority
14 is there in Quebec and they are the ones that ask for
15 the medical certificate, not us. We don't interfere
16 with the local Authority, as far as that is concerned,
17 or anything at all, as a matter of fact.

18 Q. Captain, you recall, do you not, a
19 letter addressed to your Corporation by the Minister
20 complaining about the absence of this particular pilot,
21 the letters had already been filed.

22 A. Yes, the Minister wanted to know why,
23 and all I could answer is that this man had apparently
24 furnished a medical report to the Authority. We didn't
25 interfere.

26 Q. In the previous cases had he also
27 submitted his medical certificate to the Corporation as
28 he did last time?

29 A. No, not to the Corporation, no.

30 Q. Captain, have you since I questioned



1 English

2 you in Quebec a week ago, a week or more, been curious
3 enough to find out what happened to that pilot?

4 A. I know where he is, yes, sir.

5 Q. What had happened to him, I said?

6 A. What had happened, no, sir.

7 Q. In the beginning of September, end
8 of August?

9 A. No, sir.

10 Q. When he refused to take his turn?

11 THE CHAIRMAN: The answer is no.

12 THE WITNESS: No.

13 MR. BRISSET: Q. Captain, I want to change
14 the subject at this moment and I would like you to give
15 us from a practical point of view an outline of the
16 procedure that is followed for the election of the
17 administration in your District for 1963. You have
18 given us a broad outline of how elections are carried
19 out, but now I would like you to use 1963 as an illust-
20 ration. Do you have that?

21 A. It is right here. We have the whole
22 bunch of articles here.

23 THE CHAIRMAN: You would like to know what
24 happened in 1963, whether you followed the By-Laws or
25 not.

26 THE WITNESS: We always do follow the By-Laws.

27 MR. BRISSET: Q. The question is, leaving
28 aside the procedural rules for the moment, how you went
29 about it, to apply the rules in 1963.

30 A. How I went about it. We have a



1 English
2 Secretary-Treasurer that reads the By-Laws and he follows
3 it right up to the last word. Of course, we formed
4 up this Comité des Candidatures -- formed first the
5 special Committee for the appointment of selecting
6 candidates, for the candidates for this Committee, for
7 the administration of the Corporation.

8 Q. Let us start from the moment when the
9 Committee was formed. What was done after that?

10 A. We tried to put the members on this
11 Committee -- we tried to pick them in a different
12 category of the members.

13 Q. Whom did they pick this time?

14 A. The last time?

15 Q. The last time. I am speaking of 1963
16 and I mean the names and facts.

17 A. I will give you the names if you will
18 allow my secretary to give me the list.

19 Q. While we search, Captain, were you on
20 the Special Committee you have been talking about?

21 A. No, sir. I explained before I was
22 a member of most of the Committees except this Committee
23 here, of course. 14th of November, 1962 in the minutes
24 of the Corporation, Comité des Candidatures and in
25 French it says:

French 26 "Le Conseil d'Administration procède à
27 "la formation du Comité des Candidatures. Il
28 "est unanimement résolu de nommer
29 "sur ce comité, en plus de deuxième
30 "vice-président, les membres suivants:



1 French

2 "Josaphat Boissonneault, Georges Larue,
3 "Roger Fortier, Yves Gooselin", et puis:
4 "Il est unanimement résolu de nommer messieurs
5 "John Keating et Josaphat Boissonneault
6 "respectivement président et vice-président
7 "de ce comité."

8 (THROUGH THE INTERPRETER: The Board of
9 Directors establishes a Committee of Candidates or
10 Membership Committee. It is unanimously resolved to
11 appoint on that Committee in addition to the second
12 Vice-President the following members: Joseph
13 Boissonneault, Georges Larue, Roger Fortier, Yves
14 Gooselin; furthermore it is unanimously resolved to
15 appoint Mr. John Keating and Joseph Bossonneault respect-
16 ively Chairman and Vice-Chairman of this Committee;)

English 17 Q. Were they the Special Committee formed?

18 A. Yes, sir.

19 Q. Will you tell us what happened next
20 following the appointment of this Special Committee for
21 the purpose of proceeding with the election?

22 A. Well, I didn't sit on the board, but
23 I presume -- of course, the Secretary-Treasurer is
24 also present at the meeting and read the By-Laws and
25 they have to have two meetings, this first meeting and
26 very last meeting 24 hours before the general meeting
27 and they see that the forms of the postesélectifs which
28 is sent to all the members with explanations, and that
29 is the first meeting. That is what they did.

C2

30 Q. Let me follow this: once this Special



1 English

2 Committee was formed there was sent to each and every
3 member a notice asking them to do what?

4 MR. LALONDE: My lord, there is Exhibit 682 --
5 I don't know if my learned friend has it, dated 16th
6 November, 1962, which is a notice to the members. If
7 my friend would agree I would if you want to take the
8 copy there I would give this to the witness so he can testify
9 as to what is in it. It is obvious.

10 MR. BRISSET: Q. You have before you,
11 Captain, Exhibit 682 which includes this form A, a bulletin
12 which is called Bulletin de Presentation. The next
13 step is to send this bulletin out to every member?

14 A. Yes, what we do -- we also give
15 explanations. We repeat the By-Laws here, if you notice
16 on page 2.

17 Q. After this bulletin was sent what
18 happens, what names were before the Committee, coming
19 before the Committee?

20 A. In the first page here we give the
21 Postes électifs, a place where members might put their
22 names to be elected to these posts.

23 Q. What posts were open in '63?

24 A. Could I look at this?

25 Q. Yes.

26 A. Last year I think we had two
27 administrators and two members of the Admission Committee,
28 of the Admission and Promotion Committee.

29 Q. In the Boards of Administration, I
30 take it there was President, Vice-President and two



1 English

2 administrators to be appointed?

3 A. No, sir -- yes, sir, a President, that
4 is right, Vice-President also and two administrators
5 because in our By-Laws you have two administrators which
6 are elected for two years. That is correct.

7 Q. What was the reponse of the membership
8 to this in 1963 for the particular election held this
9 year?

10 A. We had, I think two or three names . . .

11 MR. LALONDE: May I show the witness a
12 copy of the minutes of the Comité des Candidatures?

13 THE WITNESS: So: the minutes of the Corporation
14 dated the 23rd of December, 1962, ten o'clock in the
15 forenoon -- this goes on to state who was there for this
16 Comité des Candidatures and the Postes électifs were
17 President, one Vice-President and there were four
18 members that put their names to be elected for the
19 Conseil d'Administration.

20 Q. Four members?

21 A. Four members gave their names -- more
22 than that -- six members gave their names for the
23 next Board of Administration.

24 Q. Who were the six members that gave
25 their names?

26 A. Myself as President, as Vice-President
27 Michel Dussault, Administrators, Roger Fortier, Roger
28 Gregoire, Vilande Lafleur and Jean Louis Latulippe.
29 There was also a Committee of Promotion and Administration,
30 two names Yvon Dufour and Guy Ross.



1 English

2 Q. You said these people you just listed.
3 gave their names?

4 A. No gave -- we have a formula you must
5 fill in and have two witnesses who sign.

6 Q. When is this form filed and to whom
7 is it given?

8 A. That is the form that is also sent
9 when you send a bulletin to the members, Exhibit 682.
10 This form is also attached and sent to all members,
11 the third form here.

12 Q. In other words when a bulletin is sent
13 to the members there is also sent to the members, or
14 there was also sent to the members a list of the six
15 names you have given us?

16 A. No. At the first it states the
17 Postes électifs that are open, but the names are not
18 in yet, of course.

19 Q. That is what I am trying to find out
20 Captain, how these names eventually come before the
21 members.

22 A. They come after these bulletins are
23 sent. These bulletins here tell them the Committee is
24 formed up and the second page gives them, reminds them
25 of the By-Laws how they should proceed to check these
26 people, and then thirdly the form that if they wish to
27 do so they fill in themselves if they want to be a member
28 of the Board.

29 MR. LALONDE: I refer to Section 74 of the
30 By-Laws of the Corporation which shows the way the list



1 English

2 of candidates is to be brought to the members of the
3 Association and the Corporation.

4 THE CHAIRMAN: I think it is asked how it
5 was done on this occasion.

6 MR. BRISSET: Q. What I am really driving
7 at, Captain, I am not implying anything is done wrong.

8 A. No, sir.

9 Q. I want to know how the names you listed
10 a minute ago came before your members and eventually
11 were posted as the ones that are to be elected.

12 THE CHAIRMAN: The question is not how it
13 should have reached the members but how did it reach
14 the members this time in 1963?

15 MR. LALONDE: We could refer to Section 74
16 which provides how it should be done and then ask whether
17 it has been done that way.

18 THE WITNESS: It has been done according to
19 Article 74, to the letter. Do you want me to read it
20 for you?

21 MR. BRISSET: All right.

22 MR. LALONDE: These are the duties of the
23 Secretary-Treasurer, and I understand Mr. Menard is
24 going to be back in the box again. He could testify him-
25 self as to what he has done. All these are matters upon
26 which the witness, the President of the Corporation has
27 nothing to do with directly. I doubt he has anything
28 to do, even indirectly.

29 THE CHAIRMAN: It is only an intimation as
30 far as he was concerned. He is only guessing.



1 English

2 Q. Let me ask one further question, Captain,
3 and if necessary we will pursue the matter further with
4 the Secretary. Were there any other names but the six
5 you have listed that either came before the members or
6 were proposed by the members?

7 A. I know that all the members that were
8 sent -- I am sure that the Comité des Candidatures who
9 were elected to this to look after this matter did the
10 job properly. They are under oath and I have nothing
11 to do with them. It is not my duty to be there. Of course
12 the President of the Corporation has nothing to do with
13 the elections whatsoever. All I do when I go to the
14 office I ask Mr. Menard if they have done this and that,
15 followed the regulations, and he said yes, to the letter.
16 That is quite enough for me. I am not mingling into their
17 affairs.

18 Q. Now, Captain, we ended up with six
19 names for four posts open to the Board of Administration,
20 correct?

21 A. Yes.

22 Q. Of these six names four were to be
23 elected; is that correct?

24 A. Sir?

25 Q. Out of the six listed four have to be
26 elected.

27 A. I believe so.

28 MR. LALONDE: That is not the answer --- it
29 is not according to the By-Laws. He is not in a position
30 to testify as to this. The By-Law says there is an



1 English
2 election of the President, an election of the Vice-
3 President and then election for two directors every
4 year.

5 THE CHAIRMAN: That is what he asked, out
6 of six how many can be elected?

7 THE WITNESS: Four.

8 MR. LALONDE: But the answer seems to lead
9 to the implication that you take four out of six.

10 THE CHAIRMAN: I am sure if there is anything
11 that is not quite clear you will put a question to
12 clarify it later on.

13 MR. BRISSET: Q. To put it in another way,
14 Captain, there was four officers to be elected, a
15 President, Vice-President . . .

16 A. And two administrators.

17 Q. Two administrators?

18 A. Correct.

19 Q. And you have six names listed as
20 candidates?

21 A. Yes.

22 Q. That is correct?

23 A. Yes.

24

25

26

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28

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30



MR/RPS

1 English

2 Q. Now you were the four elected eventually?

3 A. They were elected at the general
4 meeting. We followed the By-Laws. Their names were
5 printed on a piece of paper and there was a President
6 of the election. We had a whole set of By-Laws, the
7 way we should do it when we come to the election. We
8 must form -- must have a President, an election Pres-
9 ident and I don't have anything to do with that. I go
10 with the members. They do the rest.

11 Q. You were on this list, one of the six
12 names?

13 A. Correct.

14 Q. Now were you offering yourself for
15 election as President?

16 MR. LALONDE: In order to advance things I
17 am showing the witness a bulletin of the annual general
18 meeting, 1963, which could be filed when the witness has
19 taken cognizance of it.

20 A. That is correct.

21 MR. LALONDE: Is that the one?

22 THE WITNESS: Yes.

23 MR. LALONDE: Could it be filed under No. 714,
24 voting bulletin ---

25 MR. LANGLOIS: Ballot.

26 MR. LALONDE: Ballot of the annual general
27 meeting 1963, Corporation of the Lower St. Lawrence
28 Pilots.

29 THE CHAIRMAN: We recognize those who are
30 familiar with this type of thing.



1 English

2 ---EXHIBIT NO. 714:

Ballot of the annual
general meeting 1963
Corporation of the
Lower St. Lawrence Pilots.

3
4
5 Q. Now Captain to come back to my
6 question, you were a candidate for the office of
7 President were you not?

8 A. Yes sir.

9 Q. Was there anybody competing with you
10 for that office?

11 A. No sir.

12 Q. Was there anybody competing for the
13 office of Vice-President?

14 A. No sir. There were four members
15 competing for the administration position. Two.

16 Q. And out of these four who were on the
17 list of candidates, two were elected?

18 A. That is right.

19 Q. Am I to understand that your appoint-
20 ment as President was by a Commission?

21 A. By a Commission, that is correct, and
22 the same for the Vice-President.

23 Q. Are you aware whether the Committee
24 that was preparing the list of candidates received any
25 other name but yours for President?

26 A. They did not. I don't think so. I
27 am sure they did not.

28 THE CHAIRMAN: Are you going to change the
29 subject?

30 MR. BRISSET: Yes my lord.



1 English

2 THE CHAIRMAN: We will have a short recess.

3

4 ---A SHORT RECESS.

5

6 ---FOLLOWING THE SHORT RECESS:

7

8 CROSS-EXAMINATION BY MR. BRISSET (CONTINUED):

9 Q. Now if I may, I would like you to do
10 a little bit of intellectual exercise, if I can call it
11 that. Would you kindly refer to By-Law No. 53 of the
12 Corporation of the Lower St. Lawrence Pilots which
13 reads, and I translate:

14 40 per cent of the members of the Corporation
15 having the right to vote will constitute
16 a quorum at all general meetings of the
17 members.

18 When the By-Law refers to 40 per cent of the
19 members, is that 40 per cent of the members present
20 in person or not? I am not too clear on that.

21 A. 40 per cent of the members of the
22 Corporation sir.

23 Q. Do they have to be present in person
24 at the meeting?

25 A. Yes. Previously, under the old
26 Association, it used to be a quarter of the members.
27 We brought it up to 40 per cent.

28 Q. Now Captain assuming that you have
29 40 per cent of the members present in person at a
30 general meeting, am I right in understanding that any



1 English

2 decision is carried out by the vote of the majority?

3 A. Any decision?

4 Q. Yes? Suppose there was a resolution
5 to be passed and voted upon, will the majority carry
6 the day?

7 A. I will have to look through the
8 By-Laws to make sure of my answer. I don't find it
9 right here.

10 Q. From your experience attending these
11 general meetings, is it not a fact that if a vote has
12 to be taken the majority ---

13 A. That is right.

14 Q. --- will govern?

15 A. Yes.

16 Q. In other words, the resolution will
17 be passed if the majority votes for it?

18 A. Of the members present.

19 MR. LANGLOIS: No my lord. I understand
20 there is a vote by proxy also.

21 THE WITNESS: Yes, that is right. I will say
22 yes sir. If I find I am wrong afterwards, I will correct
23 my answer.

24 Q. It has been suggested to us that there
25 is a possibility of vote by proxy?

26 A. Yes sir, there is.

27 MR. LALONDE: It's for the election only
28 my lord, in order to make the record straight. Section
29 57 provides each active member present at the general
30 meeting has one vote. Nobody may vote by proxy. Further



1 English

2 on in the Section concerning election there is a prov-
3 ision that in that particular case there is a possibility
4 of vote by proxy and in Exhibit 682 which was filed,
5 I understand there is a second sheet attached which is
6 the proxy mandate and this is for pilots who are away
7 on duty.

8 A. They may vote by proxy, and that is
9 the only ones that may vote by proxy.

10 Q. And their vote will be counted to
11 determine the quorum?

12 MR. LALONDE: The proxy disposition is
13 Section 78 of the elections.

14 Q. Now Captain I would like you to refer
15 to By-Law No. 100 of the Corporation of the Lower St.
16 Lawrence Pilots.

17 MR. LANGLOIS: I am sorry to interrupt.
18 What was the answer to this last question if the proxy
19 would be taken into account to determine a quorum?
20 Was there an answer to that?

21 THE CHAIRMAN: No, there was not.

22 MR. LANGLOIS: There was no answer?

23 THE WITNESS: This proxy question comes up
24 only for the election of the members, not for voting
25 for certain questions.

26 MR. LANGLOIS: And the proxy will not be
27 taken into consideration to determine the quorum?

28 THE WITNESS: No.

29 Q. So that a decision on a resolution---

30 A. There is no proxy.



1 English

2 Q. There will be no proxy and 40 per cent
3 of the members present in person will constitute a
4 quorum for the purpose of the meeting?

5 A. That is correct.

6 THE CHAIRMAN: Which would mean if you first
7 have a quorum, 15 votes will be sufficient to pass a
8 resolution?

9 MR. BRISSET: That is correct. 21 per cent
10 of the members would be enough if they are present in
11 person and vote for a resolution, to have the resolution
12 properly adopted.

13 THE WITNESS: Yes, but if, for instance,
14 this resolution would not suit the members, the members
15 can always call a general meeting, a special general
16 meeting and reverse that decision.

17 Q. Now let us go to By-Law No. 100, which
18 I will quote in French:

19 "Initiative du conseil d'administration peut

20 "modifier ou abroger le present reglement,

21 "le remettre en vigueur ou en adoption

22 "d'autres, et toute telle modification,

23 "abrogation ou adoption entre en vigueur

24 "le jour de son approbation par le

25 "Secrétaire d'Etat du Canada, mais, à

26 "moins qu'elle ne soit ratifiée dans l'inter-

27 "valle par une assemblée générale spéciale

28 "des membres dûment convoquée à cette fin,

29 "elle n'a d'effet que jusqu'à la prochaine

30 "assemblée générale annuelle; et si elle n'est

"pas ratifiée à cette assemblée, elle cesse,

"mais de ce jour seulement, d'être applicable."



1 English

2 (THROUGH THE INTERPRETER: The Board of
3 Directors may modify or repeal the present By-Law or
4 implement it, amend or adopt another By-Law and any
5 such modification or repeal adoption will be effective
6 on the day of its approval by the Secretary of State
7 of Canada unless it is ratified in the interim by a
8 general special meeting of the members convened espec-
9 ially to that end. It is effective only until the next
10 general annual meeting and if it is not repealed at
11 that meeting, it ceases about from that day only to be
12 applicable.)

English 13 Now keeping this By-Law No. 100 in mind

14 Captain ---

15 MR. LALONDE: My friend might also have
16 mentioned my lord that the rest of the paragraph A also
17 excludes the application of Section 50 to 83 which
18 cannot be amended according to the way my friend has
19 mentioned it. 50 to 83 is everything having to do
20 with the general meeting of members and elections.

21 MR. LANGLOIS: May I remind my learned
22 friend the quorum in the House of Commons is 20 members
23 so 11 members out of 275 can pass a law.

24 Q. Keeping Article or By-Law 53 in mind,
25 as well as By-Law 100, am I right in assuming Captain
26 that 40 per cent of the members can amend, change or
27 revoke the By-Laws except in respect of Articles 50 to
28 83?

29 A. That is right sir.

30 Q. Now keeping this in mind Captain I would



1 English

2 like to refer you to Clause 28 of the Articles of
3 Association, Exhibit 592 which reads in French:

French 4 "Aucune partie des présentes conventions
5 "ne ne pourra être modifiée ni révoquée ni
6 "si n'est avec l'assentiment des deux tiers de
7 "tous les membres en règle."

8 (THROUGH THE INTERPRETER: No party to the
9 present convention or any part of this convention may
10 be modified or repealed unless it is the assent of two-
11 thirds of all members in good standing.)

English 12 Now keeping the three Articles or By-Laws
13 that I have read to you in mind Captain isn't the position
14 that 21 per cent of the members of the Corporation can
15 alter the Articles of Association since the By-Laws of
16 the Corporation are incorporated into the Articles of
17 the Association? Isn't that the result?

18 A. When you mention Clause 28 sir, I draw
19 your attention to the fact that we had more than two-
20 thirds of the pilots who wanted the implementation of
21 the By-Laws here of the Corporation.

22 Q. Oh I agree.

23 A. We had 53 members.

24 Q. I agree with your statement Captain,
25 but since we are only speaking in theory ---

26 A. In theory sir?

27 Q. I am stating 21 per cent of the members
28 of the Corporation can alter the Articles of Association?

29 A. They can sir but I draw your attention
30 to the fact that two-thirds, 53 pilots out of 74 changed



1 English

2 or amended these By-Laws of the Corporation and I think
3 two-thirds would be enough.

4 Q. Such a change, of course, would bind
5 the members of the Association who are not members of the
6 Corporation?

7 A. Certainly.

8 Q. You will recall, as I think you were
9 present, the evidence of Pilot Koenig who was here before
10 this Commission? Were you present when he gave evidence?

11 A. I certainly was sir.

12 Q. And do you recall that he intimated
13 that perhaps the Corporation was a certain form of
14 dictatorship? Do you recall these words?

D2 15 A. If you recall sir Pilot Koenig intimated
16 many things which were hearsay only.

17 Q. Do you recall that it was pointed out
18 to him that there could be no dictatorship if the
19 majority was in favour of a decision taken? Do you recall
20 this?

21 A. If I recall what?

22 Q. That it was intimated to him that there
23 could be no dictatorship if the majority were in favour
24 of a decision, whatever that might be?

25 A. Who gave that opinion sir?

26 Q. It was suggested to Pilot Koenig?

27 A. By whom sir?

28 Q. I think by counsel for the Corporation.
29 Do you recall this?

30 A. Yes.



1 English

2 MR. LALONDE: Where? Quote it. My friend
3 must take time and find this quotation, and so on, other-
4 wise I will object.

5 Q. What I was driving at Captain is that
6 at least in theory is it not a fact that a minority can
7 rule the Corporation?

8 A. No sir, not in our case. It is the
9 majority that rules, more than the majority. Two-
10 thirds the majority. There are six that did not care
11 to join us, six only out of 77 sir.

12 Q. Captain I would like to refer to the
13 events that occurred in April 1962 when there was a
14 series of continuous meetings. You told us, and correct
15 me if I am wrong, that the main issue insofar as the
16 District of Quebec was concerned had to do with a charge
17 proposed by the Pilotage Authority on the pilots as
18 a contribution to the pilotage services provided by the
19 Government?

20 A. That is correct. 4-1/2 per cent of
21 our salary.

22 Q. Now Pilot I would like to submit to
23 you copy of a telegram signed by the Honourable Minister
24 of Transport to Mr. Marc Lalonde dated April 6th 1962,
25 of which I will quote this part:

26 "Consideration of costs of pilot boats
27 "et cetera presently paid for by Federal
28 "Government was taken up with Quebec District
29 "and is under separate study and further
30 "discussion is intended rather than arbitrary



1 English

2 "action on your part. Thus I repeat Depart-
3 "ment had already either met pilot views in
4 "this regard or agreed to consider and discuss
5 "them."

6 I would like you to look over the telegram,
7 particularly the part I have quoted and I would ask you
8 to file this telegram as Exhibit No. 715.

9 MR. LALONDE: I don't see how my friend can
10 ask the witness to file this.

11 Q. Were you aware of this telegram.
12 Captain?

13 A. I was.

14
15 ---EXHIBIT NO. 715: Telegram dated April 6th
16 1962 from the Honourable
17 Minister of Transport
18 Leon Balcer addressed to
19 Mr. Marc Lalonde.

20 Q. Captain you will note that this
21 telegram was dated April 6th and that the Minister was
22 saying that he was prepared to discuss this particular
23 charge with the Quebec pilots. He already had discussed
24 it. Do you recall?

25 A. I don't recall that he had already
26 discussed it, no sir.

27 Q. However, didn't this telegram inform
28 you that the Minister was prepared to discuss this part-
29 icular topic with the pilots?

30 A. Was prepared to consider. Consider,
not to cut it off. Consider only. We had been considering



1 English

2 for quite a while with no results. If you notice there
3 is the word "consideration".

4 Q. Did you not interpret this statement
5 of the Minister's that the charge was not to be imposed
6 until it had been fully discussed and considered?

7 A. We did not sir.

8 Q. By your Corporation?

9 A. We did not sir. We had been in
10 Ottawa to meet the Minister during the winter and he
11 was also considering abolishing this 4-1/2 per cent.
12 That was in, I believe, the latter part of January and
13 I believe this telegram is dated the 6th of April and
14 at the 6th of April he was still considering.

15 Q. The 6th of April, if I am not right,
16 was the beginning of the continuous meeting wasn't it?

17 A. I believe so sir.

18 Q. Am I to understand Captain that your
19 Corporation officially was not satisfied that the Minister
20 offered to discuss and consider the problem but wanted
21 to have right away confirmation from the Minister that
22 a charge would not be imposed?

23 A. That is correct sir.

24 Q. And that is the reason why you, or
25 the Corporation in your District and your members proc-
26 eeded on with these meetings?

27 A. That was one of the main reasons, yes.

28 Q. Do you not consider that this was
29 really defying the Pilotage Authority at the time?

30 A. No sir. We had a general meeting held



1 English

2 at Quebec. Most of the pilots were there. The ones
3 that were not were either on Station, and after explan-
4 ation, they decided to carry on with the general meet-
5 ing or to have another general meeting.

6 Q. In other words, you were not prepared
7 to discuss with the Minister. He had to give way.

8 A. He did not have to give way. We were
9 waiting for an answer from the Minister.

10 Q. Now Captain I have only one more point
11 to discuss with you, and it's about the special pilots
12 about whom you spoke in your examination in chief. You
13 told us, I believe, and correct me if I am wrong, that
14 special pilots were abolished in your District sometime
15 in October or towards the end of 1960?

16 A. No sir. In the early spring of 1960.
17 Early part of 1960.

18 Q. On the topic of the special pilots,
19 Captain, there was an Article which appeared in the
20 Quebec issue of Soleil Quebec of September 19th 1963
21 of which I would like to quote you an extract and you
22 tell me whether what is quoted there is what you really
23 said or not either officially or outside of the hearings
24 before this Commission.

French

25 "Le Capitaine Rousseau a admis au
26 "cours de son témoignage qu'il se trouvait
27 "parmi ceux qui voulaient abolir le système
28 "de 'pilotes spéciaux', que permettait à
29 "un certain nombre de pilotes de travailler
30 "pour des compagnies maritimes privées.



1 French

2 "J'étais moi-même un pilote spécial,
3 "a-t-il dit, mais je sentais que ce
4 "système allait à l'encontre des meilleurs
5 "intérêts de tous les pilots et des com-
6 "pagnies.

7 "Le choix des pilotes des spéciaux
8 "n'était pas basé sur la compétence ou
9 "l'ancienneté, mais il se faisait entre
10 "amis et il est arrivé assez souvent que
11 "des pilotes spéciaux ne méritaient pas
12 "même le nom de pilote. Par ailleurs,
13 "il me faut admettre que parmi ces pilotes
14 "spéciaux, il y en avait d'excellents; ceci
15 "dit en m'excluant naturellement de ce
16 "dernier groupe!"

17 (THROUGH THE INTERPRETER: Captain Rousseau
18 admitted in the course of his evidence that he was
19 amongst those who wanted to abolish the special pilots
20 system which allowed a certain number of pilots to work for
21 private shipping companies. I was myself a special
22 pilot, he said, but I felt that this system was going
23 against the best interests of all pilots and companies.
24 The choice of special pilots was not based upon compet-
25 ence or seniority but it was done amongst friends and
26 it often happened that special pilots did not even earn
27 the title of pilot but, on the other hand, I must admit
28 that amongst these special pilots some of them were
29 excellent, these being stated excluding myself from this
30 latter group.)



1 English

2 The question I wanted to ask you Captain
3 is in relation to your statement that the choice of the
4 pilots to act as special pilots were not based on
5 competence, what did you mean by that?

6 A. I mean, and Mr. Barras also said it
7 in Quebec that wherever there was a choice to be made for
8 a special pilot, and as he said it it was not done by
9 seniority or capacity. It was done between friends. He
10 said it and I think that he is right but I believe that
11 the Soleil Quebec made a mistake when they quoted me
12 as saying that some pilot did not even . . . "que des
13 pilotes ne meritaient pas même le nom de 'pilote'" --
14 no, I don't believe I said that.

15 Q. I agree with you. I don't believe you
16 ever went that far.

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E/PB/RPS 1

English

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Q. I agree with you. I don't think you ever went that far. In the transcript, in fact, it is not quite that way. It simply says they should not have been appointed special pilots. Still on the topic of competence why were you attacking the competence of some of the pilots of your District, that is what puzzles me? Why were you intimating that some of the pilots selected weren't competent?

A. Well, sir, you are getting into a question which I believe is in the past. I wouldn't like to bring that up again. It created such friction among our members that I don't think it is worthwhile bringing it up here again. It is a fact that some of them were made special pilots by their friends who were working for certain companies, and they weren't, let us say, as good or as competent as some other older men. Yes, of course, I will go further than that and I will say the system was a disease amongst us, a cancer which was taken out, removed completely and I think that since that time we have peace, we work in peace and we have justice for the members.

Q. Now, Captain, would you agree that special pilots were rendering the service to the companies to which they were appointed in the sense that they had to make themselves available for the ships of the company or companies to which they were appointed?

A. The same as now, sir, you have Class A pilots which are available at all times to these companies which you are mentioning.



1 English

2 Q. The difference, Captain, is it not that
3 Class A pilots are only assigned to vessels of certain
4 tonnage, a high tonnage, high vessels?

5 A. That is correct, sir.

6 Q. Well the special pilots would take,
7 when they were attached to one company, all the vessels
8 of that company whether they were small or large?

9 A. That is correct, and some companies
10 mostly had small vessels.

11 Q. Would you not agree, Captain, and I
12 am not discussing here with you whether it was right or
13 wrong to have special pilots and whether they should have
14 been abolished or shouldn't have been abolished, would
15 you not agree, Captain, that whatever reason that has
16 brought about the disposition of the special pilots
17 they were at the time giving a service to the company
18 they were appointed for?

19 A. Not more than we are giving now.
20 We do, I believe, myself, in my opinion we are giving
21 a better service to the companies than they were getting
22 at the time.

23 Q. Why would the companies pay special
24 bonuses of \$25 if they didn't get anything for it,
25 Captain?

26 A. Would you like me to answer it?

27 Q. Yes?

28 A. It was creating different categories
29 of pilots among the District. I believe at the time the
30 Federation, Shipping Federation were using the old



1 English

2 system of divide to rule , and they were doing a
3 good job.

4 Q. In other words you intimated . . .

5 A. I didn't intimate. I state, I state so,
6 that they had the men divided into many groups, small
7 groups and big groups. That is absolutely the way they
8 were ruling the pilots at that time. They had, let us
9 say, a monopoly on the members.

10 Q. Coming back to the special \$25 bonus,
11 Captain, wasn't it a fact that some of the special
12 pilots in order to be able to join the vessel of a company
13 to which they were assigned had to travel more than the
14 tour de role pilot, or leave the station to join a
15 vessel at another station. ~~Is that not~~

16 A. ^{is it} Is it not a fact?

17 Q. Yes?

18 A. Of course. They travelled by plane,
19 by taxi, by ships and what else -- I think the only
20 means they didn't use is a submarine. I was one who
21 ran around.

22 Q. That is why you got this \$25 extra,
23 to cover this extra expense?

24 A. Let us say, yes.

25 Q. You gave an estimate that this bonus
26 of \$25 meant something like \$65,000 worth of revenue
27 during the pilotage year to the pilots concerned. Is
28 that the figure you quoted?

29 A. It was approximately around that amount.
30 It is \$25 including the expense to the pilots, and of



1 English

2 course, as I said before after paying these expenses,
3 taxes, there was very little left.

4 Q. Now, Pilot, from what you have stated
5 I have concluded and correct me if I have not concluded
6 correctly that for the welfare of the pilots generally
7 it was a good thing that the special pilots system
8 be abolished?

9 A. Not only for the welfare of the pilots,
10 but for the welfare of all, and for the ship companies
11 also.

12 Q. But also the welfare of the pilots?

13 A. Yes, sir.

14 Q. For instance, wasn't it a fact that
15 the special pilot system would cause some upset of the
16 tour de role dispatching procedure?

17 A. Not only upset of the tour de role --
18 some upset between the groups of special pilots also
19 and the wives of the special pilots, if you want to
20 mention them also.

21 Q. If the abolition of this system avoid-
22 ed these expenses and the troubles with the pilots'
23 wives and all the other disadvantages you have mentioned
24 can you tell me, Captain, why after gaining all these
25 advantages you wanted the companies to pay still into
26 the pilotage funds by way of increase in the tariff
27 fees the \$65,000 which special pilots cost them if they
28 were abolished?

29 A. Because, sir, with the new system
30 we were giving the same if not better service to the ship



1 English

2 companies which they were ready to pay in any case.

3 Secondly the Deputy Minister offered to increase the
4 tariffs so as to cover this amount of approximately
5 \$65,000 if the pilots would agree on going, on agreeing
6 to this better system of classing pilots.

7 Q. Well now, I thought I had understood
8 from you that pilots wanted to abolish this system,
9 that they found it was in their interests to do so.

10 A. The majority of the pilots wanted to
11 abolish that system, of course.

12 Q. But at the same time they wanted to get
13 the \$65,000 they were getting for the services which
14 they wanted to abolish.

15 A. But we implemented another service
16 which we were and we are giving and is a better service
17 than previously.

18 Q. Well, Pilot, you established the system
19 of grading involved?

20 A. Not me, sir, the Authority, the
21 Pilotage Authority.

22 Q. Let us say the system of grading
23 was established and the A pilots were appointed; that
24 is correct?

25 A. Correct.

26 Q. Is it a fact that the A pilots were
27 given additional remuneration?

28 A. That is correct.

29 Q. Under the tariff?

30 A. Yes, that is a fact.



1 English

2 Q. So, in that way you were getting part
3 of that \$65,000; is that the fact?

4 A. We got, as far as the payments of
5 Class A pilots the amount of \$15,000 even though the
6 Minister had promised us the \$65,000 which we didn't
7 get.

8 Q. The eight pilots were getting the
9 \$25,000 that the special pilots were getting?

10 A. \$25 which amounted to \$15,000, not
11 \$65,000.

12 Q. Well, Captain, wasn't there another
13 way you did obtain part of your \$65,000, and I refer
14 at the time to the increase in the tonnage limit from 7,500
15 tons to 15,000 tons?

16 A. Yes, sir, that had nothing to do with
17 the special pilots. This increase of the tonnage from
18 7,500 to 15,000 had nothing to do with special pilots.

19 Q. Wasn't it discussed at the same time
20 as a way to make up what the pilots would lose on the
21 abolition of the special pilot system?

22 A. Not with the Authority, no, sir.

23 Q. Isn't it a fact, Captain, that even
24 though the \$65,000 paid to the special pilots as a
25 bonus was removed when the system was abolished you
26 still got some benefits that made up a good part of the
27 \$65,000 at the time by way of re-adjustments of the
28 tariff?

29 A. I explained it previously in Quebec:
30 the Authority sent the Superintendent of Pilots down to



1 English

2 Quebec and he figured with us and gave us figures so
3 as to increase the tariff so as to cover the loss of
4 this \$65,000. We were quite in agreement with him but
5 afterwards we got a letter from the Deputy Minister
6 stating that he wasn't in agreement any more. The
7 tariff was to be increased on the tonnage and also
8 draught so as to cover this \$65,000 but it never came
9 into effect.

10 Q. Except with respect to the . . .

11 A. Except for the \$25.

12 Q. The bonus paid the A pilots and the
13 increase in the limit of tonnage?

14 A. There was no question of the increase
15 insofar as it covering the loss of the \$65,000.

16 Q. Am I right in stating then, Captain,
17 that you don't concede that you ~~were~~ seeking to abolish
18 a system, a service at the time, but concurrently trying
19 to get the same revenues out of it in spite of abolition?

20 A. We were going from one system into
21 a better system as I said before.

22 MR. BRISSET: That is all.

23 COMMISSIONER SMITH: If your lordship
24 pleases I would ask the witness a question on the
25 testimony he gave earlier with regard to the question of
26 indentures and licences. As I understand it, Captain,
27 the apprentice pilot serves his term and he is eligible
28 and qualified and receives his licence. Now, the
29 next move, as I understand it, and perhaps there is a
30 move before that, he is indented into the Corporation.



1 English

2 What I would like to ask you is that mandatory on his
3 part or is his status in any way affected, reduced by
4 an attitude on his part of not being willing to co-oper-
5 ate in joining the Corporation and become indented in it?

6 THE WITNESS: Well, sir, the Board of
7 Examiners -- this apprentice pilot which we have examined
8 for three days, and he is well-known to us, he has been
9 serving his apprenticeship for a number of years -- the
10 Board of Examiners is composed of two representatives
11 of the Department of Transport that represent the public,
12 look after the public interest where the pilots, we look
13 after the knowledge, the local knowledge of the candidate.

E2 14 This Board -- the examination now lasts about three and
15 a half days and when he has completed his examination
16 the Board sits together and reviews the whole examination,
17 the written examination and the oral examination and
18 when they decide, for instance to reject this man or
19 to pass him -- we have rejected some -- then the President
20 of the Board who is now the Regional Superintendent,
21 Captain Catinus asks the candidate to come back into the
22 room and he is the one to give him the results if he
23 has passed. He states this and he wishes him good luck
24 in his new career, and then asks him if he wants to
25 come to the office. We show him the office. We tell
26 him this is your office, Mr. Menard is your employee.
27 You are part owner of what is in here. As I said
28 we explain the Association, what was the Association.
29 We give an explanation of the old Corporation that dates
30 back as far as 1860 and he is the one that sits there and



1 English

2 asks the questions and we give all the books and tell
3 him that he can get his licence in a few days and if
4 he wants to sign the Association he signs, and then we
5 ask if he wants to join the Corporation, and that is the
6 way it is done.

7 COMMISSIONER SMITH: It is entirely up to
8 his own free will?

9 THE WITNESS: Of course, sir. It might take
10 a few days or a few weeks to get his licence. We tell
11 him to go home and get a good rest. In any case he
12 won't lose any money. It is understood between the
13 Authority that he will start -- whenever he gets his
14 licence, he will start on the tour de role the day he
15 passes his licence. For instance, if the time elapses
16 between the time he passes and the time he gets his
17 licence and the members make four turns he will start
18 four turns behind the others so as to catch up.

19 COMMISSIONER SMITH: Supposing he doesn't
20 sign up, what happens then?

21 THE WITNESS: This question was asked by
22 the last candidate, suppose I don't sign, what happens
23 to me? I said, you have a licence to pilot. The Auth-
24 ority is still the Minister and will dispatch you the
25 same as the others. As I stated you will not have the
26 privileges of being in the society, in the group.

27 MR. SMITH: He suffers no financial
28 disadvantage?

29 THE WITNESS: Well, sir, he might if he has
30 the misfortune of taking all the time small ships with



1 English

2 small draughts. He might be operating only minimum
3 ships instead of bigger ships. It depends -- Class A
4 pilots, they pilot ships . . .

5 COMMISSIONER SMITH: I don't mean that. On
6 account of his not signing up he does not suffer any
7 disadvantage?

8 THE WITNESS: No, sir.

9 THE CHAIRMAN: He will lose though the
10 benefit of your organization.

11 THE WITNESS: Of course.

12 THE CHAIRMAN: The privilege for sickness
13 and funds and so on.

14 THE WITNESS: That is right.

15 THE CHAIRMAN: He will be entitled to his
16 share with the others for the work he has done?

17 THE WITNESS: I don't think he would have
18 to pool his money. He would receive the money earned
19 on such and such a ship.

20 THE CHAIRMAN: And be on tour de role and
21 he will have an opportunity to do as many trips as the
22 others.

23 THE WITNESS: He would be on the tour de
24 role and he would be dispatched by the government people.

25 COMMISSIONER SMITH: Thank you.

26 MR. LALONDE: He would be automatically,
27 however, a member of the Pension Fund Corporation which
28 by law makes everybody a member of that Corporation?

29 THE WITNESS: That is right.

30 THE CHAIRMAN: That would be a District By-Law.



1 English

2 MR. LALONDE: The 1860 Act.

3

French 4 CROSS-EXAMINATION BY MR. JACQUES:

5 (THROUGH THE INTERPRETER.)

6 Q. Captain Rousseau, on the last questions
7 that were asked to you concerning the pilot who would
8 not accept to become a member of the Association or a
9 member of the Corporation, is it not possible for that
10 person to make more money than another pilot? I am
11 not talking about is that in practice, but eventually
12 when he will become a pilot Grade C-1?

13 A. C-1 --- the Pilotage Authorities
14 state on the second year he receives 85 per cent.

15 Q. So, it is possible for him to make
16 more money than a member of Grade B, than a member of the
17 Corporation belonging to the same Grade?

18 A. It is, perhaps, possible, but he will
19 not enjoy the different privileges inherent to being
20 a member of the Corporation.

21 Q. I come to that, Captain Rousseau.- your
22 Corporation, please tell us exactly the type of advantage or
23 privileges to the pilot plus the advantage of unity.

24 A. The pooling of earnings, the advantage
25 of assistance in case of sickness, which he receives
26 for two years if he is sick, for two years, then he
27 receives half his salary, and then assistance of pension
28 and assistance through all the privileges of being
29 associated to the Federation of Pilots.

30 Q. Financially speaking?



1 French

2 A. Those are the advantages. The advant-
3 age would be to have the pooling of earnings which is,
4 of course, an advantage, and then sickness assistance
5 and pension assistance.

6 Q. When you are asking new pilots to become
7 a member of the Association or the Corporation do you
8 explain to the pilot exactly what are the advantages
9 of belonging to the Corporation?

10 A. Yes.

11 Q. Do you explain to the same people the
12 disadvantages of the Corporation?

13 A. No, there are none. The first when
14 they follow our winter course they receive special
15 information about that, and as I stated before this
16 apprentice travelled with us for years and heard the
17 pilots speaking about all these matters and consequently
18 they are informed.

19 Q. Do you explain to the pilot, for
20 example, or to the new pilot or future pilot the extent
21 of expenses made by the Corporation, for instance, this
22 last one that became a member, did you tell him that the
23 expenses for last year were \$43,800? When did he become
24 a member, 1962 or 1963?

25 A. Very recently. His father was a pilot
26 and he was apprentice five years and consequently he
27 had a lot of experience.

28 Q. Did you explain to him these expenses?

29 A. Not exactly. If you see in our
30 By-Laws there is no special duty for the President in



1 French

2 that respect. If I have done that -- well I have done
3 that ever since 1960, I was the first one to have the
4 expenses down to the Corporation. The new candidates --
5 I don't know if it has ever been done before.

6 Q. If I understand your answer properly
7 in the case of this last candidate you have just
8 mentioned you have explained to him what are the
9 advantages of the Corporation. Now, you didn't tell him
10 about or how he would be paid and what deductions would
11 be made out of his wages?

12 A. Well, he knows very well exactly how
13 he will be paid.

14 Q. But did you explain the procedure to
15 him when you are asking him to sign?

16 A. No, but I explained to him that he
17 would be -- be on the list starting the next morning
18 even if he didn't receive his licence as yet.

19 Q. Could you please tell me what you
20 mean by "increase in productivity". This is not an
21 expression you have used?

22 A. No.

23 Q. Do you ~~know~~ exactly what it means "increase
24 in productivity"?

25 A. I have a good idea about it.

26 Q. According to you what would it mean?

27 A. Well, it would mean that the traffic
28 will be increased and the size of the ship increases
29 also.

30 Q. So, would you tell the pilot -- increase



1 French
2 in traffic and increase in ships -- are there increases
3 in the size of ships or increase in the number of tonnage
4 of ships -- I don't think this quite gives us what is
5 productivity of a pilot according to you.

6 A. Well, it is the work he performs.

7 Q. Do you think that the increase of
8 productivity would mean an increase of ships piloted
9 and also the tonnage of these ships?

10 A. I don't know exactly what you are
11 aiming at.

12 Q. At the present time does the Board
13 of Examiners request from the pilots who had apprentices
14 working for them to submit a report about the capacities
15 of such apprentice?

16 A. No, every time an apprentice goes
17 on board a ship accompanied by a pilot the pilot has a
18 small -- I wouldn't say bulletin -- a small paper to
19 fill out that the apprentice had a trip with him and
20 so forth.

21 Q. What is written on that paper?

22 A. The name of the ship, the name of the
23 pilot, the nature of the trip, the name of the apprent-
24 ice and the name of the pilot. I think there is also
25 space for observations.

26 Q. Were you even a member of the Board
27 of Examiners?

28 A. Yes.

29 Q. Does the Board of Examiners study
30 these reports?



1 French

2 A. No, it is the Corporation Committee
3 called the Promotion and Admission Committee which looks
4 after all matters having to do with apprenticeship and
5 then the Committee submits a report to the Board of
6 Directors.

7 Q. If I understand properly the Board
8 of Examiners has before it a candidate about whom it
9 has no previous report or information.

10 A. Well, there again for some cases the
11 Board of Directors looks after the apprenticeship and
12 then a report of it is submitted to the Board of Directors.

13 Q. What about the Board of Examiners?

14 A. Well, it is composed of the President
15 of the Corporation and two other members.

16 Q. Of the Corporation?

17 A. The Corporation aside from two
18 members of the Department, the D.O.T.

19 Q. Consequently all pilots at all times
20 are kept informed about apprentices. The officers of
21 the Departments who are members of the Board of Exam-
22 iners are they informed about reports made by the
23 pilots to the Admission Committee, are these reports
24 transmitted to the Board of Directors?

25 A. Yes.

26

27

28

29

30



F/MR/RPS

1 French

2 The Board of Examiners meets and minutes
3 are kept of these meetings and all of these matters are
4 raised and studied by the Board of Examiners.

5 Q. Consequently, the reports of the
6 Committees on Admission and Promotion, which are referred
7 to the Board of Directors, are also referred to the
8 Board of Examiners?

9 A. They are so indirectly because at the
10 present time there are three pilots, two pilots being
11 members of the Board of Directors. Consequently, they
12 are informed.

13 Q. I understand that the pilots are
14 informed but do you think that the officials of the
15 Department themselves are made aware of it? For example,
16 you have an apprentice pilot who goes for his examination,
17 and this man in the reports is qualified as being thin-
18 headed or a drunkard and the pilots who are members of
19 the Corporation know about that fact because the
20 Committee received a report about that pilot. The
21 members of the Board of Directors who are aware of that
22 fact, do they transmit their information to the
23 representatives of the Department?

24 A. Previously we had the representatives
25 of the Department who were Captain Allard of Quebec who
26 sees the apprentices every day, and then the Regional
27 Supervisor who was Captain Gendron previously and
28 now Captain Catinus who also knows the apprentices.

29 Q. These reports' made about the pilots,
30 are these reports made by the pilots, about the apprent-



1 French

2 ices, are they sent to the representatives of the
3 Department who are members of the Board of Examiners?

4 A. If the report is a serious one.

5 Q. Who decides about the seriousness
6 of that report?

7 A. Well up until now there has been
8 none. I would like to draw your attention to the fact
9 that the Board of Examiners is not empowered to make
10 any decision but the Board of Examiners, what it has
11 done is to submit a case to the Authority. For example,
12 an apprentice did not pass his examination, his annual
13 examination so the Board of Examiners recommend to the
14 Authority that this apprentice either be sent back one
15 year or we just make recommendations. We don't make
16 a decision about such cases.

17 Q. Mr. Rousseau do you agree with me
18 when I state that what the pilots do is a type of
19 work requiring a certain physical fitness or capacity?
20 For example, there are certain people who can drive
21 cars most of the time and other people have more trouble
22 driving cars so I mean physically that way. If you
23 drive a car or vehicle you must have a certain type of
24 judgment for that type of work.

25 A. I agree with you because there is a
26 great margin between driving a car and steering a ship.

27 Q. I did not want to compare both. I
28 just wanted to explain what I meant by physical capacity.
29 Do you think that the apprentices during their apprentice-
30 ship can manoeuvre ships themselves in order to dock



1 French

2 them or leave a given harbour?

3 A. For dockings, I don't think so and
4 oftentimes I tell the apprentice when he has reached
5 his last year of apprenticeship, I want to give him the
6 opportunity of actually doing the manoeuvring and dock-
7 ing ---

8 Q. You let him do the docking?

9 A. No, not the docking itself but all the
10 manoeuvring of a ship on the river.

11 Q. So you leave him in charge of the
12 ship?

13 A. No. I don't leave him in charge of
14 the ship, but you can give directions. You will see
15 how everything goes but, at any rate, I supervise him.

16 Q. You supervise him and let him do the
17 job?

18 A. Not entirely. In most cases I very
19 seldom do this.

20 Q. For docking you never allow them to
21 dock ships?

22 A. Not the docking proper. We have had
23 the privilege of having the ST. BARNABÉ for one year,
24 and then these people have learned a great deal how to
25 proceed for dockings but unfortunately this ST. BARNABÉ
26 is no longer at our disposal.

27 Q. Can you please describe that ship for
28 the Commission?

29 A. The ST. BARNABÉ was a training ship.
30 It was attached to the Marine Institute of Rimouski. I



1 French

2 don't have the dimension of that ship.

3 Q. Is it a ship of a hundred feet, two
4 hundred feet?

5 A. I would say it was one hundred and
6 fifty feet in length and I think it had two propellers.
7 I did not go on board myself.

8 Q. May it please the Commission, the
9 ST. BARNABÉ is the ship which is registered and we may
10 obtain all these details from the ships' list available
11 at the D.O.T.

12 THE CHAIRMAN: Are you through with that
13 subject matter?

14 MR. JACQUES: Yes my lord.

15 THE CHAIRMAN: We will stand adjourned until
16 2:30.

17

18 ---LUNCHEON ADJOURNMENT.

19

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/MR/RPS 1 French

2 ---UPON RESUMING AT 2:30 P.M.

3

4 CONTINUATION OF CROSS-EXAMINATION BY MR. JACQUES:

5

6 Q. Mr. Rousseau we were talking, before
7 the recess, about the practice that a pilot should have
8 before becoming a pilot in the manoeuvring of vessels,
9 and you said that you personally never allowed an
10 apprentice pilot, whatever his numbers of apprenticeship
11 may be, to do the actual docking of the ship or leaving
12 the docks. Is that correct?

13 A. Yes.

14 Q. Well to your knowledge do some pilots
15 allow apprentices to do such manoeuvring?

16 A. Maybe. I must say here that many
17 times I have asked the apprentice what he would do to
18 leave the dock, his opinion, and how he would do it.
19 I asked him these few questions.

20 Q. There is no practice?

21 A. No.

22 Q. And not before becoming a pilot?

23 A. Well almost not but some apprentices
24 have been officers on board vessels or captains who should
25 have done some practice.

26 Q. Well as an apprentice there is no
27 practical examination or course?

28 A. Except during the previous year,
29 previous to examination and admission.

30 Q. Now to facilitate the manoeuvring, or



1 French

2 to do the actual manoeuvring on these training ships,
3 how can you compare it with the actual ships?

4 A. Well the ST. BARNABÉ was better than --
5 smaller than some of the freighters that we have, but
6 the apprentices could do all this; how a vessel could
7 turn with two propellers. How to put its rudder on and
8 to back up, et cetera. He could certainly learn how
9 to manoeuvre with a vessel of that type.

10 Q. When you allow a pilot, or an apprent-
11 ice pilot to do part of the piloting under your supervision,
12 do you ask the permission from the captain of the
13 vessel?

14 A. Sometimes we mention it but we do not
15 ask for this permission.

16 Q. Do the captains of the vessels
17 sometimes ever make comment on this?

18 A. No.

19 Q. How many years have you been a candidate
20 apprentice?

21 A. Six years.

22 Q. As a candidate apprentice?

23 A. Well about 10 years.

24 Q. At that time did you have any guarantee
25 or any certainty that you would become an apprentice
26 pilot?

27 A. No.

28 Q. You have been six years an apprentice?

29 A. Yes.

30 Q. You became immediately an apprentice?



1 French

2 A. Yes.

3 Q. During your apprenticeship did you
4 have any certainty that you would become a pilot?

5 A. No. We knew by experience that apprenti-
6 ceship could last fairly long.

7 Q. Today, under the new system, have
8 the apprentice pilots any certainty that they will be
9 called upon to become a pilot at a certain fixed time?

10 A. Not any fixed date but what we try
11 to establish was to reduce the number of apprentices
12 so that those who are apprentices, basing ourselves
13 on the average number of apprentices who we admit each
14 year, by reducing the number of apprentices we have
15 been assisted or helped to see that apprentices would
16 not be apprentices for too long and we hope that this
17 will be from three to four years.

18 Q. At the present time do you have no
19 certainty -- you cannot ensure that the apprentices
20 will become a pilot?

21 A. No.

22 Q. Under the new system have the apprenti-
23 ces made any comment?

24 A. No, they have made no comment. We have
25 some apprentices who of course would like to be certain
26 to become a pilot after this period of apprenticeship,
27 but we cannot give any guarantee.

28 Q. Don't you find this a little bit too
29 strict? We demand from apprentices who devote them-
30 selves entirely to this apprenticeship, various number of



1 French
2 years, they get certain books on the various questions
3 but these books do not allow them at the same time to
4 qualify themselves to work elsewhere. Don't you find
5 this a little bit unjust to force these people to attend
6 certain courses, to satisfy certain requirements, and
7 then to prevent them during this period to work elsewhere
8 or to qualify themselves for another function in case
9 they would not become a pilot?

10 A. Well we understand that this is a little
11 bit unjust but these people, when they want to become
12 an apprentice, they know what can be expected from them.
13 This is one of the features of the profession at the
14 present time.

15 Q. Well I don't want to depreciate the
16 requirments that you have to do for your apprentices.

17 A. I understand.

18 Q. When you were an apprentice you certainly
19 piloted vessels with special pilots?

20 A. Yes.

21 Q. You have heard the evidence of Captain
22 Dussault saying when he was a senior apprentice some-
23 times the pilots would tell him to take the vessel and
24 go to certain places. Did that happen to you?

25 A. Yes, I think so. Well I certainly
26 did such a thing.

27 Q. Well do you know if this is still being
28 done at the present time?

29 A. Well for the apprentice during the
30 last years, yes.



1 French

2 Q. Are they remunerated for the service?

3 A. Well the shipowners ---

4 Q. Remunerated by the pilots?

5 A. No, not to my knowledge.

6 Q. Well I think that the application for
7 apprenticeship and the modification to the Society Act
8 have not been filed.

9 A. I think they have been already filed.
10 Yes, this morning. Yes, they have been.

11 Q. Exhibit 713. I am showing you now
12 Exhibit 713 concerning the application for membership
13 in the Corporation and modification of the Society Act.
AA2 14 Would you now please tell me if in the past, before the
15 Corporation came into existence, did you have pilots
16 sign not only the Association Act, but also all the
17 amendments to this Act?

18 A. Well before 1960?

19 Q. Yes?

20 A. Well before 1960 I was not President.

21 Q. Well when you became a pilot did you
22 sign the Association Act only or the Association Act
23 and these amendments?

24 A. Well I signed the Association Act
25 only.

26 Q. Could you explain to me the reasons
27 why you now request from each pilot that he signs the
28 amendments to the Society Act?

29 A. Well when we formed the Corporation,
30 as I explained to the Commission before, our legal adviser



1 French

2 prepared these two documents, explained to us

3 and explained to the members the content and
4 had everyone sign the modification to the Association
5 Act and the application for membership in addition to
6 signing the Association Act.

7 Q. If the amendment of the Association
8 Act filed under Exhibit 713 has been validly adopted,
9 I see no reason why a pilot, who wants to become a
10 member of the Association, should sign it since the
11 procedure for amendment is already provided for under
12 the Association Act.

13 A. Well I didn't follow you.

14 Q. Maybe Mr. Lalonde would be more
15 competent than the witness to answer this question.

16 MR. LALONDE: I am very glad that my confrere
17 has realized that I can do that.

18 Q. When you have obtained the 53 signatures,
19 which I think were mentioned I think in May 1960?

20 A. April.

21 Q. April 1960 was an assembly of the
22 Association held immediately after the obtaining of these
23 signatures?

24 A. No.

25 Q. To your knowledge was there an
26 assembly of the Association which was convened to adopt
27 the amendment to the By-Law contained in Exhibit 713?

28 A. No, each member signed individually.
29 Each member signed all these things individually.

30 Q. Well there was no assembly convened



1 French

2 to approve this modifications?

3 A. No. What we did, once the application
4 or request for a charter was presented to the Secretary
5 of State, we have informed members by bulletin that we
6 had also -- we also informed them that we had obtained
7 our charter in 1960.

8 Q. Did you obtain a consultation, legal
9 opinion on this way of proceeding?

10 A. Yes, we have two.

11 Q. Well did you file these consultations?

12 A. I think that they have been filed.

13 Q. Well on the way how to proceed, it
14 was not necessary to convene an assembly of the Assoc-
15 iation to approve the modification to the Association
16 Act?

17 A. No. There was no assembly for that.

18 Q. Was there any consultation?

19 A. Well we had our legal adviser anyway,
20 and we have followed his advice.

21 Q. If I understand correctly your previous
22 evidence, the assembly of the Association and the
23 Corporation are held now at the same time. They are
24 not two assemblies, one specially for the Corporation and
25 one for the Association?

26 A. No. We have on the second Wednesday
27 of January a meeting of the Association, the Corporation
28 of Lower St. Lawrence Pilots and we also send a convening
29 note to the members of the Association to tell them there
30 will be also a general assembly of the members of the



1 French

2 Association which will be held in the afternoon generally.

3 Q. What do you do in the assembly of the
4 Association?

5 A. Well we elect officers and then we
6 open the assembly. We gather the office, and then we
7 have an opening of the assembly.

8 Q. Was there any election?

9 A. No.

10 Q. Why?

11 A. Because there is always a member who
12 proposes or moves that the officers elected for the
13 Corporation be -- for instance, the six members be
14 administrators.

15 THE CHAIRMAN: And there was no counter-
16 proposal?

17 THE WITNESS: No. Somebody seconds the
18 proposal and that is enough.

19 Q. Therefore the election is before the
20 meeting of the Association?

21 A. Yes.

22 Q. Once the Corporation elections are
23 done, in the assembly of the Corporation, then you have
24 the meeting of the Association?

25 A. Yes.

26 Q. So you always have a member who moves
27 that the Directors of the Corporation become the Directors
28 of the Association?

29 A. Well yes. Somebody moves that the
30 President Elect of the Corporation be submitted for the



1 French

2 Association and I think this was unanimously done by the
3 Assembly of the Association.

4 Q. Is this something which is fixed
5 beforehand?

6 A. No.

7 Q. What would be your reaction as President
8 of the Association if the six dissident members of
9 the Association were going to propose somebody different
10 as a director?

11 A. It would be up to the members to decide.
12 There could be an election and the election could be
13 done in due form.

14 Q. In which formality?

15 A. Well we would do it according to the
16 Association Act.

17 Q. Which is Exhibit 592. Now do you
18 look at the financial statements of the Association during
19 the assembly of the Association?

20 A. My God. The financial statements of
21 the Association are the same as those of the Corporation.

22 Q. Well Mr. Rousseau just a moment. A
23 pilot who was not a member of the Corporation wanted
24 to ask some questions probably of a financial order,
25 and it is a matter of fact that the lawyer requested that
26 the vote be taken, but this member is denied the right
27 to speak at the Assembly of the Corporation?

28 A. That is correct.

29 Q. Then did he have any right to speak
30 at the Assembly of the Association?



1 French

2 A. He certainly did have. He would have
3 such a right and the balance sheets are sent to them
4 and distributed to them, like to everybody.

5 Q. Well are these balance sheets discussed
6 by the Association as such?

7 A. Well if the six dissident members are
8 not there, the balance sheet is discussed at the
9 Assembly of the Corporation which is held at the same
10 place in the morning and if these people do not come
11 to the Assembly, it is not our fault and we cannot repeat
12 the examination of the balance sheet for the Association
13 in the afternoon when the dissident members are there.

14 Q. Well the Assembly of the Association
15 is just for election of the Directors?

16 A. Not necessarily. For instance, somebody
17 will propose -- I begin to make the same report, which
18 is the same report as the one of the Corporation and
19 somebody will say well to save time I propose, I move
20 that the Chairman's report be adopted and somebody
21 seconds the motion and then we go to the next item of
22 the agenda, et cetera.

23 Q. Well would you have an order of
24 business or agenda of the Assembly of the Association
25 with you here?

26 A. Certainly, I think.

27 Q. Here Mr. Rousseau is a document
28 dated 28th December 1962. Would you please look at it
29 and tell me where does this document come from?

30 A. This is the Association of Licensed



1 French

2 Pilots for the Quebec Harbour and Below.

3 Q. What is this?

4 A. This is representing the Association
5 of Pilots.

6 Q. Well what kind of a document is this?

7 A. This informs the members of the
8 general assembly and the agenda is also indicated on the
9 document.

10 Q. Mr. Rousseau I would like to file this
11 document as Exhibit 716.

12
13 ---EXHIBIT NO. 716: Notice of a meeting and
14 agenda of the Association
15 of Licensed Pilots for the
16 Quebec Harbour and Below,
a meeting of January 9th
1962.

17 Q. Item 6 on the agenda is the report
18 of the Secretary-Treasurer. Were you attending that
19 meeting on January 9th 1962?

20 A. Yes. I was presiding at that meeting.

21 Q. Briefly what was the report of that
22 Secretary-Treasurer?

23 A. The report of the Secretary-Treasurer
24 was the same as that of the Secretary-Treasurer for the
25 Corporation, with the exception that the member of the
26 Association moved that the report of the Secretary-
27 Treasurer which had not been done previously, be
28 adopted so the motion was seconded so it was not
29 necessary to repeat that.

30 THE CHAIRMAN: There was no objection?



1 French

2 THE WITNESS: No.

3 THE CHAIRMAN: The same questions that had
4 been raised at the previous meeting have not been raised?

5 Q.
6 THE WITNESS: No. /And does the same thing
7 apply to Item No. 5, suggestions for aids to navigation?

8 A. I think that the suggestions for
9 aids to navigation, I think that this item had been
10 studied at the meeting of the Corporation.

11 Q. So in brief, this has to do with
12 references to the meeting of the Corporation?

13 A. If the six members who were not members
14 of the Corporation were attending, then we would proceed
15 according to the rules of procedure and these people
16 would receive all the information which they are entitled
17 to have. If they do not attend the meeting, it is not
18 our fault. We can't be blamed for that.

19 Q. As regards the incorporation of the
20 Corporation of the pilots, in the course of your evidence,
21 and this is also in the Act, you have told us that the
22 By-Laws were approved by the Secretary of State. So
23 far as you are concerned what does that approval mean
24 to you?

25 MR. LALONDE: Once more, I think this is a
26 legal problem. This is the second part of the Companies
27 Act. The Companies Act has certain provisions stating
28 that the approval of the Secretary of State is necessary
29 so I wonder what the witness can add, so far as giving
30 his opinion on that is concerned?

MR. JACQUES: I would not like to ask for a



1 French

2 legal opinion on the part of the witness but I think it
3 would be important to the Commission to know what is
4 the pilots' reaction towards this approval of the
5 Secretary of State of Canada. Do they believe that this
6 approval adds to the legality of the By-Laws? That is
7 all I want to know.

8 -

9 -

10 -

11 -



PB/RPS

1 French

2 THE CHAIRMAN: This is exactly what I
3 wanted to say.

4 MR. JACQUES: Perhaps this is what my
5 colleague forces me to do.

6 MR. LALONDE: My colleague will recognize
7 I didn't do it myself.

8
9 --- (FRENCH REPORTER READS BACK LAST QUESTION.)

10
11 THE WITNESS: What do you want me to answer
12 to that? I am mate, master and I am not legal adviser.
13 I am a pilot.

14 Q. Insofar as you are concerned do you
15 think this approval gave some stamp of approval to
16 the By-Laws and sanctified them?

17 A. Yes, I would say yes.

18 Q. You have complained that the Shipowners
19 didn't transmit to the pilots the briefs that they were
20 transmitting to the D.O.T.; is that true?

21 A. Complain -- well, I don't remember
22 that we complained. I stated they didn't send us those
23 briefs.

24 Q. Do you think that if you received
25 these briefs before they were submitted to the Department
26 do you think then that the pilotage problems could be
27 settled more easily?

28 A. Perhaps, and this certainly would have
29 been proof of their good will if they sent us these
30 briefs.



1 French

2 Q. Do you pilots send briefs or make
3 any representations to the Department of Transport?

4 A. I think that we submitted a brief
5 in 1960.

6 Q. Did you send a copy of it to the
7 Shipping Federation?

8 A. This is quite possible. I don't
9 remember exactly.

10 Q. Who would be in a position to give us
11 an accurate answer?

12 A. I could if I could refer back to the
13 year 1960 and so forth.

14 Q. Could you please do that upon adjourn-
15 ment?

16 A. Yes.

17 Q. Did you ever ask the Shipping Feder-
18 ation to send you a copy of the briefs they were submitting
19 to the D.O.T.?

20 A. No. We obtained after these briefs
21 had been sent to the D.O.T.

22 Q. You never made any special requests
23 for them?

24 A. No. We knew that the brief was already
25 in Ottawa and we obtained copies.

26 Q. Through diplomatic means?

27 A. If you want.

28 Q. Insofar as this discipline is
29 concerned did the Association or Corporation have
30 discussions ever since you have become a pilot to recommend



1 French

2 the D.O.T. or the Pilotage Authority to take stricter
3 steps or measures insofar as discipline is concerned?

4 A. I can't answer you either by yes
5 or no.

6 Q. You don't remember certain representations
7 having been made about that?

8 A. No. I think that the officers of the
9 Department knew our opinion about that and that we wanted
10 discipline to be maintained.

11 Q. I would like to refer you to Pilot No. 70.
12 I would like to refer you to Pilot No. 70 on Exhibit
13 644. Were you an officer of either the Association
14 or the Corporation when Pilot 70 was an active pilot?

15 A. Yes.

16 Q. Was it a known fact that you were
17 aware of the behavior or personality of that pilot?

18 A. Yes, well enough.

19 Q. At that time were representations
20 made in Ottawa either by the Corporation or the
21 Association concerning that pilot?

22 A. At what time do you mean exactly?

23 Q. Well were you an officer of
24 either the Association or the Corporation?

25 A. I don't think so.

26 Q. To the best of your knowledge did the
27 Board of Directors or were the Board of Directors aware
28 of that pilot as well as you?

29 A. Yes, perhaps there is something else
30 I might add here, that ever since 1960 when this gentleman,



1 French

2 No. 70, wanted to obtain assistance and before granting
3 him this assistance well, the Board of Directors studied
4 that matter and required a medical certificate.

5 THE CHAIRMAN: Required medical assistance?

6 THE WITNESS: Yes, assistance for illness;
7 that is to say that previously he was granted assistance
8 for illness perhaps every year since he had become a
9 pilot. I must say that during the past few years it
10 was getting much harder for him to obtain such assistance
11 because after all we in the Corporation grant him
12 this assistance and nobody else.

13 MR. JACQUES: Q. This was assistance for
14 illness?

15 A. Yes.

16 Q. Would you have given the same assist-
17 ance in the case of suspension?

18 A. Yes.

19 Q. Would it be possible for you to check
20 that out?

21 A. Yes. I may add here quite recently
22 he made another request for assistance for illness.

23 Q. Now, insofar as Pilot 16 is concerned
24 did you grant him any assistance for suspension or
25 illness?

26 A. No.

27 Q. Now, with regard to Pilot 49?

28 A. No, I don't think so.

29 Q. Now, what about Pilot 80?

30 A. Perhaps assistance for suspension,



1 French

2 perhaps.

3 Q. Would it be possible to check that?

4 MR. LALONDE: This would be very easy to
5 check out because this is shown in the yearly balance
6 sheets which have been filed with this Commission ever
7 since the year 1958. In each case the name of the
8 pilots who have received assistance for illness or
9 suspension were shown there and the exact amount is
10 indicated in each case.

11 MR. JACQUES: Q. In order to press to
12 another point, Mr. Rousseau, who took the initiative
13 of requesting the abolition of special pilots?

14 A. Well, that question had been raised
15 for a number of years and the majority of pilots have
16 pressed to have that question settled.

17 Q. To the best of your knowledge ever
18 since when?

19 A. For quite a long time. Well, ever
20 since I have been a pilot myself I have heard mention
21 of the matter.

22 Q. You stated this morning that this was
23 a question that was giving rise to friction between
24 members and it was a kind of cancer that was growing
25 and now the reason is abolished you have peace and quiet?

26 A. Insofar as that is concerned.

27 Q. Now, I would like you to be more
28 specific about that matter insofar as the friction amongst
29 the members was concerned, what type of friction?

30 A. This might be very lengthy to explain,



1 French

2 but in order to be brief I will tell you, you see some
3 companies have big ships and others have small ships
4 and other have middle-sized ships and consequently pilots
5 who were hired for the big ships felt, without wanting
6 to feel like it, they looked sort of superior toward
7 the others who had to pilot some middle-sized ships and
8 those who were special for small craft even felt more
9 inferior, but at any rate they always felt superior
10 towards the other pilots, regular pilots.

11 Q. Isn't the situation exactly the same
12 insofar as Grade A pilots are concerned?

13 A. No, because the selection isn't in the
14 same way. The selection now is according to seniority
15 and by consulting the pilot's record so this gives
16 opportunity to any pilot today if he has a good record,
17 well one day he may expect a superior grade while prev-
18 iously they just didn't exist. There were some excellent
19 pilots who were on the assignment list and remained on
20 the assignment list until recently.

21 Q. Now, if we could press on to the
22 stoppage of work in the year 1962. Could you please
23 submit all the telegrams, letters or circular letters
24 which have been sent to the pilots in the Quebec District
25 either by the Federation, the Corporation or the
26 Association and all these documents relating to the
27 stoppage of work?

28 A. Yes, I could do that easily.

29 MR. LALONDE: The witness is in a position
30 to give documents stemming from the Corporation or the



1 French

2 Association. The documents of the Federation will be
3 submitted by other persons if it so pleases your lordship.

4 THE CHAIRMAN: In order not to make the
5 procedure more complex you may produce all the documents
6 of the Corporation, the President of which he is, and
7 insofar as the other documents are concerned, well the
8 President of the Federation will supply those.

9 MR. JACQUES: Are we going to give a number
10 to that exhibit or wait?

11 THE CHAIRMAN: We are going to wait.
12 Remember that.

13 MR. JACQUES: Yes, my lord. While waiting
14 for the filing of these documents could you please
15 tell us how you obtained the approval of the members
16 for such a stoppage of work?

17 MR. LALONDE: My lord, we already have filed
18 before this Commission all the minutes of the different
19 meetings of April, 1962 for the Corporation of the
20 Lower St. Lawrence Pilots as well as the Association of
21 Licensed Pilots for the Quebec Harbour and Below.

22 THE CHAIRMAN: I think that counsel wants
23 to go beyond the minutes. The question is allowed.

24
25 --- (FRENCH REPORTER READS BACK QUESTION.)
26

27 A. What we did -- we convened a general
28 special meeting at which -- special meeting of the
29 Association and the Corporation, joint meeting, so if
30 you will allow me I think I have a note here of that very



1 French

2 fact. At any rate the greater majority of the members
3 were in attendance and we asked for a vote concerning
4 that question, if we were to resume our meeting or work.

5 Q. This meeting was convened when?

6 A. There were two meetings.

7 Q. The first one was when?

8 A. April 4th. There were 55 members in
9 attendance.

10 Q. And this meeting of April 4th, how had
11 it been convened?

12 A. Well, it had been convened by telegram,
13 if I remember correctly, sent to all members.

14 Q. Do you remember when this telegram
15 was sent?

16 A. No, I could check that, though.

17 Q. Could you please give a copy of the
18 telegram amongst the documents which you have been
19 asked for before?

20 A. Yes.

21 Q. The stoppage of work of April 6th,
22 1962, had it not been decided upon, as a matter of fact,
23 on April 4th?

24 A. There was a stoppage of work -- wait
25 a second, I am going to check with the minutes. Yes,
26 that is it.

27 Q. On the 4th the members . . .

28 A. If you want I am going to read the
29 document.

30 The aim of the meeting was that the



1 French

2 President explain to the members the aim
3 of this meeting which consists to decide
4 upon the stoppage of work due to the fact that
5 the D.O.T. didn't implement the recommendations
6 made by the pilots in the preceding winter.
7 Then we go on further:

8 Read out all the different requests that
9 have been submitted to the D.O.T. as well
10 as the letter of the Minister containing the
11 deduction of 4-1/2 per cent of the wages of
12 pilots in order to pay for the cost of part
13 of the pilotage administration. After lengthy
14 discussions, deliberations and after the
15 members having expressed different viewpoints
16 the meeting seemed to favour that in the
17 last resort we should concede the requests
18 made, but that we refuse to accept any
19 decrease in wages. It has been decided
20 that the pilots will cease to go on board
21 a ship at midnight and one minute on Friday,
22 April 6th. There were 55 members in attend-
23 ance and a vote was taken and the vote was
24 unanimous. Moreover there were certain other
25 members who were at stations. We received
26 nine answers coming from these pilots on
27 stations which were in agreement with the
28 majority of pilots.

BB2

29 Q. Did that decision that was made on the
30 4th and implemented on the 6th, was that decision sent



1 French

2 either to the D.O.T. or to the Shipowners?

3 They were certainly informed. I don't recall
4 exactly.

5 Q. Could you please check if this decision
6 was sent to the D.O.T. previous to the stoppage of work?

7 A. Yes.

8 THE CHAIRMAN: This meeting was held in Quebec?

9 THE WITNESS: Yes.

10 THE CHAIRMAN: Where exactly?

11 THE WITNESS: At the Chateau Laurier.

12 MR. JACQUES: Q. And the meeting of the 6th,
13 where was that convened?

14 A. I think it was convened at the office
15 of the Corporation.

16 THE CHAIRMAN: Did you have a similar meeting
17 in Montreal at that time?

18 THE WITNESS: I think so.

19 MR. JACQUES: The meeting of the 6th was
20 convened for Three Rivers.

21 A. On April 6th the special general meeting
22 of the members of the Corporation on Lower St. Lawrence
23 and of the Association of Licensed Pilots for the Quebec
24 Harbour and Below held at the headquarters of the
25 Corporation Suite 304, 71 St. Pierre Street.

26 Q. Certain letters have been filed and
27 these letters are to do with the increase in the number
28 of pilots in the Quebec District. I think two letters
29 have been filed. The first one is yours which makes
30 a request for four pilots, and then an answer from the



1 French

2 Department and then afterwards your answer to the Depart-
3 ment.

4 A. Well, we haven't received anything about
5 that yet.

6 Q. Exhibit 705 was a letter dated December
7 29th, 1962. What reasons do you give to support this
8 increase in the number of pilots? Could you please tell
9 us the reasons you gave at that time?

10 A. We wanted to have a pilot to replace
11 the one that has been absent for three years because
12 of a car accident. He is already replaced. Then there
13 was another one who had been suspended by the Pilotage
14 Authority for an indefinite period and we asked that
15 these two pilots be replaced until this pilot got back
16 his licence, and two others were -- the two others would
17 have been used in order to compensate for the increase in
18 traffic which is ever-increasing from year to year,
19 especially this has been the case in the year 1962 and
20 of course we can't foresee a decrease in the traffic
21 for the year 1963.

22 Q. So this pilot who had been absent
23 for three years -- he had been absent for three years
24 at that time?

25 A. Yes.

26 Q. Previous to 1962 when you made that
27 request were you aware that he would be absent for such
28 a time?

29 A. In the first year, no. He told us
30 that he hoped he would be back.



1 French

2 Q. The second year?

3 A. Well, he hoped to come back at the
4 end of the year.

5 Q. And the third year?

6 A. Well, the same thing applied the third
7 year.

8 Q. Now, what about this second pilot who
9 had been suspended for an indefinite period that you
10 wished to replace -- was that pilot not, in fact, extreme-
11 ly active before he was suspended?

12 A. No, I could give you the number here.
13 No. 16, Pilot No. 16.

14 Q. He hadn't been a pilot for a long time?

15 A. This request was made here on December
16 29th, 1962.

17 Q. For how long had he been a pilot then?

18 A. Oh well, I don't know -- couldn't say,
19 perhaps four, five years.

20 Q. What about the two other pilots -- you
21 are making a request for two additional pilots because
22 of the increase in traffic?

23 A. Yes, on account of the increase in
24 traffic and also to replace people who might fall sick
25 during the navigation season or who might be absent for
26 a good reason.

27 Q. By submitting this request have you
28 made any preliminary studies concerning the increase
29 of the traffic in the river?

30 A. Well, we undertook some studies about it --



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1 French
2 that is the Promotion and Admission Committee undertook
3 some studies about that and the question was also raised
4 with the Board of Examiners, and perhaps this didn't
5 fall exactly within their competence as a Board of
6 Examiners, but just the same the members of that Board
7 were aware of that and they have supported the request.



R/RPS

1 French

2 The two members from the D.O.T., members of
3 the Board of Examiners also supported that request.

4 Q. Did you submit any suggestions to the
5 D.O.T. at that time indicating, in order to substantiate
6 your request?

7 A. Well we have experienced statistics
8 with the Department in 1960 and after having worked during
9 a full winter in order to compile all these statistics,
10 we did not reach any understanding with the Department
11 and, consequently, we did not want to use the same
12 procedure again.

13 In other words, we do not have any special
14 apparatus to compile these statistics.

15 Q. I think that the Department had
16 recommended you for statistics for the year 1959?

17 A. Yes.

18 Q. But this has been discontinued?

19 A. Well I cannot ask my colleagues to
20 go into work for nothing, free of charge at the office
21 during the winter in order to compile statistics.

22 Q. In order to support your demands,
23 you have nothing actually with the exception of that
24 letter?

25 A. Well we thought it would be sufficient.

26 Q. But before December 1962 was there
27 any mention made about the increase in the number of
28 pilots?

29 A. Yes.

30 Q. How long did these negotiations last



1 French

2 before the sending of that letter?

3 A. Ever since 1960 we have first made
4 this special request for four pilots.

5 Q. Since 1960?

6 A. Yes.

7 Q. Now was no correspondence exchanged
8 at that time?

9 A. No. Everything was done orally and
10 previous to that we had talked about this saturation
11 point in order to set the number of points as 75 and
12 then grant certain number of exemptions and then after
13 lengthy discussions the Department decided to increase
14 our number beyond this figure of 75 pilots and it has
15 been increased by two to give a total amount of 77.

16 Q. When was that done?

17 A. In 1960.

18 Q. So after the year 1960 you have asked
19 for an increase in the number of pilots?

20 A. Yes, I think that we did so every year.

English 21 COMMISSIONER SMITH: I would like to ask
22 a question my lord. Was that increase supported by the
23 Supervisor of the District?

24 THE WITNESS: By both of them sir. By the
25 Supervisor of the District and by the Regional Supervisor.

26 COMMISSIONER SMITH: Thank you.

French 27 (THROUGH THE INTERPRETER.)

28 Q. You have told us that the brief of
29 pilots filed as Exhibit 671 was discussed in an
30 assembly that you had shown under Exhibit 638 to all your



1 French

2 pilots?

3 A. That is correct. We send all the
4 recommendations to our members.

5 Q. Well you have received only part of the
6 answers.

7 A. Well the way we dictated the letter,
8 we were asking them whether they had anything to indicate
9 to us and inform us if they were not replying, whether
10 they were consenting to these recommendations.

11 Q. And these replies that you received,
12 in what sense were they drafted?

13 A. Some replies said for small requests
14 we don't want -- or the request was too small. Another
15 was an agreement of all points except the demarcation
16 or border of the District. There were six altogether.

17 Q. Could you get them and report on them
18 to the Commission?

19 A. Yes. Shall I read everything?

20 Q. No. You said there was one that was
21 too small. Could you tell us why?

22 A. Well I propose that there be a change
23 of the Harbour of Quebec. I think this is not the right
24 time. The main thing is to find the troubles which are
25 in pilotage. It seems that you are trying to create some
26 more trouble. As regards the balance of the proposal,
27 I leave it to the Pilotage Authority to decide.

28 Here is another one. The specific recommend-
29 ations of the Corporation of Lower St. Lawrence Pilots
30 that there be a change of pilot in the case of berthing



1 French
2 in Quebec, that all pilots going upstream, for all ships
3 going upstream that pilotage fees be charged in that
4 respect.

5 Now another reply, No. 3 says that the
6 present limit of 15,000 tons net be removed and he says
7 we should charge the full rate. No. 6 the status quo
8 be maintained. Concerning the exemption to the pilotage
9 fees there he wrote dissident. That is all for this
10 pilot.

11 Here is a letter from a member who says that
12 as a member of the Association of Licensed Pilots for the
13 Quebec Harbour and Below I am under obligation and with
14 regret to be unable to give you a favourable vote for
15 any of the six items for which the President of the
16 Corporation of Lower St. Lawrence Pilots intends to present
17 to the Royal Commission on Pilotage. Yours sincerely,
18 et cetera.

19 Here is another letter: With reference to
20 your letter, I must say that in view of the existing
21 expenditure, the great number of effective trips which
22 is granted to the director who makes so small recommend-
23 ations, I must reject them. The last letter now is
24 fairly long. Should I read it in full?

25 Q. All right.

26 A. Well further to your dictatorial
27 request or demand, I must say that I disagree with all
28 these items. First an item which our colleague X thought
29 it useful to leave during the stoppage of work, one
30 should not increase the expenses already considerable for



1 French

2 shipping. I have personally a docking in Quebec, one
3 docking out of 25 trips. My colleagues have an average
4 of four or five movages and they are more than sufficient
5 for this task. If this is adopted, eliminate the A.
6 Second, have first those people who are on the assignment
7 list travel. I am at home since four days. One night
8 of work will not do me any harm nor any of the members
9 of the other committees. That each one produce one ship
10 per trip on the list and it will be much better and will
11 help to defray the expenses of our lords abroad. I
12 cannot afford to reduce my earnings from \$500.00 to
13 \$1,000.00 just to please apprentices. They should do the
14 complete apprenticeship and in this case we don't need
15 the C. No. 3 no comment and no approval. No. 4 you are
16 playing in the hands of transportation. When the
17 limits of E.S.T. will be amended, the tariff will be
18 amended and not to our advantage.

19 No. 5, the rules of the road, the international
20 rules and common sense rules apply. 6, this reads travel,
21 and the Irish flag, et cetera.

22 Q. These are the only replies you received
23 to your circular letter?

24 A. Yes.

25 Q. Did you get any comment orally? Oral
26 comment?

27 A. Yes. I think the Secretary got one or
28 two by telephone and they agreed.

29 Q. That is all you have?

30 A. Unfortunately that is all we can give



1 French

2 you as far as we remember. I must add also fortunately,
3 instead of unfortunately.

4 Q. Do you agree with your colleague, Captain
5 Dussault, that the schooners on the river do create certain
6 danger?

7 A. Perfectly. I fully agree.

8 Q. What would be the way to eliminate
9 such danger or hazard?

10 A. Well to eliminate them is difficult.

11 Q. I said eliminate the hazard, not the
12 ships.

13 A. Well it would be fairly difficult.
14 There are some pilots in the winter, during winter months
15 who teach them, who have special courses on navigation
16 and they do learn to a certain extent, but there are
17 many of them who still navigate this river and go across
18 the river one way or the other.

19 Q. Do you believe that such vessels
20 should be under the control of pilots as regards navig-
21 ating in the piloting area?

22 A. Well this is a difficult question because,
23 first, I am not a shipowner neither of a vessel nor of
24 a schooner. I don't know the profits these people make.

25 Q. From your point of view you are on
26 board the EMPRESS and as a pilot what would you like to
27 see on schooners to be safe?

28 A. Well people who know that if they do
29 not have a big enough draught should leave the narrow
30 waters to the big vessels. They should stay outside the



1 French

2 channel and they should give a chance to the big vessels
3 to navigate in those waters.

4 Q. Well when you are embarrassed by one
5 of these schooners, do you make any report of their
6 presence to the Pilotage Authority?

7 A. Well there were such reports recently,
8 but it is fairly difficult to have their names, and
9 if we call them by telephone, they don't answer.

10 Q. The daytime you should be able to read
11 their names.

12 A. Yes.

13 Q. Well are there some schooners which
14 you report on to the Pilotage Authority?

15 A. I think that recently there were some of
16 them.

17 Q. There were several vessels which were
18 reported to the Pilotage Authority by the pilots?

19 A. Yes. I drew attention to this
20 point.

21 Q. Last year were there as many as this
22 year?

23 A. No, because I asked this year but last
24 year I did not ask them to do so.

25 Q. Why?

26 A. Because there was, first, this Royal
27 Commission on Pilotage and maybe it was due time to
28 study such questions.

29 THE CHAIRMAN: Yachts and other vessels, or
30 tourist vessels do create trouble?



1 French

2 THE WITNESS: Yes but I think that our
3 legal adviser, Mr. Langlois, belongs to the yacht club
4 and must be giving them some good lessons.

5 THE CHAIRMAN: Do they create trouble?

6 THE WITNESS: Yes.

7 THE CHAIRMAN: And difficulty in bad
8 conditions?

9 THE WITNESS: In the fog they never go out.

10 THE CHAIRMAN: Well they might be caught in
11 the fog. I think we will adjourn now for a few minutes.

12
13 ---A SHORT RECESS.

14
15 ---FOLLOWING THE SHORT RECESS:

16
17 CROSS-EXAMINATION BY MR. JACQUES CONTINUED:

18
19 Q. Mr. Rousseau when you were cross-
20 examined by Mr. Mason, he referred to the exemptions
21 granted under law, Article 348 of The Canada Shipping
22 Act. Do you want me to read each of the sub-Paragraphs
23 of The Canada Shipping Act? I will read it in English
24 because I have it in English.

25 "The following ships are, subject
26 "to Section 347, exempt from the payment of
27 "pilotage dues:

28 (a) ships belonging to Her Majesty."

29 (THROUGH THE INTERPRETER.)

30 According to the pilots, of the vessels which



1 French

2 belong to Her Majesty in your District, are these
3 a danger or a hazard to navigation?

4 A. They are, yes. They are a danger.

5 Q. In what way?

6 A. My personal experience, one month ago
7 I was a pilot on a ship and it was during the nighttime.
8 It was raining. I was passing a vessel at Goose Cape
9 and such vessel suddenly seemed to turn to the right.
10 She was in front of me and it was on the left side,
11 starboard -- sorry, it was on portside and went to the
12 starboard side. To avoid her I had to go completely to
13 the right, in order to avoid that ship.

14 It was a Royal Navy ship which had decided
15 at night not to take any pilot. A military ship. A
16 navy ship and after that we saw it on the radar. It was
17 crossing and going towards north and just passing in
18 front of a passenger ship. We saw it on the radar.

19 Q. Well when this Navy ship turned to
20 the right, what distance were you from that ship?

21 A. I did not calculate the distance. I
22 purely and simply turned to the right.

23 Q. Were you two miles? One mile?

24 A. There was a near collision.

25 Q. You were fairly close?

26 A. Well close enough so that the Captain
27 on the vessel jumped two feet high.

28 Q. As a pilot or apprentice pilot was
29 it the first and only time that you had such an incident
30 with a Royal Navy vessel?



1 French

2 A. Well I think the majority of cases
3 these people take a pilot. This year there were a
4 few Canadians which did not take a pilot when going down-
5 stream.

6 Q. The second item says:

English 7 "(b) Government ships except ships
8 "entrusted for operation and management to
9 "an agency of Her Majesty."

French 10 (THROUGH THE INTERPRETER.)

11 Now the Government vessels were Coastguard
12 vessels, for instance.

13 A. Well Government vessels, I would say
14 that the SKAUA, the provision vessels, the small vessels
15 take a pilot when they go downstream but the SKAUA, in
16 winter, when it breaks the ice takes no pilot I don't
17 think.

18
19 Q. It it the same captain?

20 A. Yes.

21 Q. When these captains break the ice
22 in the winter, they should know the river very well?

23 A. Well I don't know if they have somebody
24 who is doing the same work in the winter, but I know that
25 when these vessels leave in June, they have a big draught
26 and they take a pilot to go downstream and the small
27 vessels do the same. All the small vessels also usually
28 take a pilot.

29

30



1 French

2 Q. The following paragraph says:

English 3 "(c) Ships of such description and
4 "size not exceeding 250 tons registered ton-
5 "nage as the pilotage authority of the
6 "district with the approval of the Governor in
7 "Council, from time to time determines to be
8 "exempt from the compulsory payment of pilot-
9 "age dues in same district;"

French 10 (THROUGH THE INTERPRETER.)

11 These vessels below 250 tons, would it be
12 useful from a safety point of view to have pilots on
13 board such vessels?

14 A. Yes, it would always be useful to have
15 a pilot on board these vessels. The majority of cases
16 we know what these people are doing and we take measures
17 accordingly. The same with schooners I was referring to.
18 We know, for instance, that in certain places they will
19 cross the channel completely, perhaps because of current.
20 Sometimes some of them want to go close to their own
21 village and when we see such schooners, we take measures
22 accordingly.

23 Q. Well I am passing to the sub-Paragraph
24 concerning the salvage.

25 (d) Ships registered in any part of Her
26 Majesty's dominions employed in voyages
27 between ports in the same Province or employed
28 in any one port or harbour. Besides Canadian
29 ships those which have the Canadian flag
30 in the river.



1 French (THROUGH THE INTERPRETER.)

2 Are there any Commonwealth vessels which
3 do such coastal work?

4 A. Well some of them.

5 Q. Well those vessels which do not have
6 a Canadian flag, do they use pilots?

7 A. Well the majority of cases they use
8 a pilot but I think that this year there was one or
9 two which did not take pilots. The same thing last year,
10 and one of them last year had an accident.

nglish 11 Q. And now vessels employed in voyages
12 between any one or more of the Provinces
13 of Ontario, Quebec, New Brunswick or up to
14 Hudsons Bay and the United States.

rench 15 (THROUGH THE INTERPRETER.)

16 This is coastal work which goes outside the
17 St. Lawrence Gulf. Do these vessels use pilots?

18 A. Well some vessels which carry pulp,
19 they do not have any pilots. They do two trips a week
20 I think.

21 Q. Do these fishing vessels go frequently
22 in the river?

23 A. No. There are some vessels which do
24 some towing and the majority take pilots, and the
25 vessels of the Foundation Company, they use a pilot. That
26 is all.

27 Q. Now would you also produce a circular
28 letter of the Corporation concerning pilotage of vessels
29 with big draught of sizeable length such as Chicoutimi?

30 A. Yes.



1 French

2 Q. Thank you.

3
4 CROSS-EXAMINATION BY MR. BRISSET:

5
6 Q. After the adjournment my lord this
7 morning I have had a chance to review Exhibit 713 and
8 I would like to ask some questions of the witness.

9 Captain Rousseau would you keep before you
10 the list attached to Exhibit 713 which is a list showing
11 the names of the pilots who joined the Corporation both
12 before and after the 25th of April 1960. Would you,
13 in relation to this list, refer yourself to the first
14 name opposite which there are two asterisks, namely the
15 name of Roland Caron. In referring to Exhibit No. 644
16 I find the following notation opposite his name:
17 Roland Caron sick, died June 28th 1960. Am I right
18 in understanding that Pilot Caron, Roland Caron was not
19 an active pilot at the time?

20 A. I think that he was an active pilot
21 right up to the time of his death.

22 Q. But he was not performing any voyages?

23 A. Oh he performed -- he worked until
24 1959. Certainly he worked, yes sir.

25 Q. But not in 1960?

26 A. Well I think I have the time here, the
27 date that he died.

28 Q. Exhibit 644 showed that he died on the
29 28th of June 1960.

30 A. That is right sir.



1 English

2 Q. And he had been sick from the beginning
3 of the season.

4 A. He still had his licence as a pilot.

5 Q. Would you now look at the second name
6 with two asterisks, I think it is Pilot J.H. Cloutier?

7 A. Yes sir.

8 Q. Again referring to Exhibit 644, which
9 is the statement showing the names of all the pilots in
10 the District for the years 1960, 1961 and 1962, and
11 giving there his absences, I find no mention of the name
12 of Pilot J.H. Cloutier. Was he an active pilot in
13 1960?

14 A. Yes. Certainly. I think he retired
15 at the end of 1961. I might be wrong. Maybe after
16 that. He certainly was a pilot two years after -- in
17 1960 and 1961 he was piloting.

18 Q. Would you look at the third name with
19 two asterisks, Pilot L.A. Larue and again we would like
20 to point out to you in Exhibit 644, to which I have
21 referred earlier, his name does not appear. Was he or
22 was he not an active pilot?

23 A. He was sir. He took his pension in
24 the spring of last year at the age of 69.

25 Q. But he was not an active pilot?

26 A. Yes, indeed he was.

27 Q. In 1960?

28 A. Yes sir. He was an active pilot until
29 the spring of last year or fall of 1961.

30 MR. LALONDE: Exhibit 644 originates from
the Department of Transport my lord.



0/PB/RPS 1 English

2 A. Mr. Larue retired. I am pretty sure
3 he retired last year.

4 Q. In 1962?

5 A. In the spring of 1962 or the fall of
6 '61. I could check on this and give you the exact
7 date.

8 Q. I have before me again and I think
9 this was filed as Exhibit 645 a copy, or at least a
10 list of the absent pilots in 1960 with the number of
11 trips done by each pilot, and there again I have to
12 tell you I don't find the name of Pilot Cloutier.

13 A. I am very sorry, but my memory is
14 good enough to remember who was piloting in 1960 and
15 1961. Mr. Caron was piloting. Mr. Larue was piloting
16 I am positive and Mr. Ernest Courdeau, which you haven't
17 mentioned was also an active pilot.

18 Q. I haven't mentioned Pilot Courdeau
19 because I know he was active.

20 MR. LALONDE: My lord Exhibit 597, pilotage
21 statement, April 15th, 1962 shows Pilot Larue as having
22 taken suspension on the 1st of February, 1962.

23 MR. BRISSET: Q. I will check on your balance
24 sheet for the year 1960 and ascertain whether the error
25 was made in other documents.

26 MR. JACQUES: Excuse me, on Exhibit 645
27 which comes from the Department Mr. Larue has been
28 shown as doing 103 trips in 1961.

29 THE WITNESS: Mr. Cloutier also.

30 MR. JACQUES: Which Cloutier?



1 THE WITNESS: Joe H.

2 MR. JACQUES: Yes, shown as having done
3 103 trips since 1961.

4 MR. BRISSET: Well then, I have to concede
5 to you Captain that out of 53 that signed before the
6 25th April, 1960 there seem to have been at least 52
7 really active pilots.

8 THE WITNESS: I am sorry, there were 53, not
9 52.

10 Q. You still consider that Pilot Caron
11 was still an active pilot ?

12 A. Yes sir, positively there were 53
13 pilots out of 74 that had signed the adhesion on the
14 25th of April.

15 MR. LALONDE: To make matters more clear
16 concerning Pilot Caron, in 1960 he is shown as having
17 made one trip, one turn for \$217.69 and then he had
18 \$1,560.10 for sickness help.

19 THE CHAIRMAN: That is 1960?

20 MR. LALONDE: 1960, which proves that in
21 order to qualify for sickness help he still was in the
22 active list.

23 MR. BRISSET: Q. One more question, Captain:
24 You mentioned that there were 74 active pilots at the
25 time and that you got 53 to join the Association, you
26 remember these figures?

27 A. I didn't get them to join. They came
28 on their own.

29 Q. I apologize. They came of their
30 own will and signed all the papers they were asked to sign?



1 English

2 A. Right, sir.

3 Q. Now, Captain, don't feel that I am
4 trying to play this too fine, but still I would like
5 you to refer yourself to Exhibit 696, a letter dated
6 March 25th, 1960 from the Deputy Minister of Transport
7 to Captain Gaston Rousseau and I would like to quote
8 an extract from this letter, page 3 which reads as
9 follows:

10 "You later requested through Mr. Armand
11 "Lachance that two additional pilots be
12 "licensed in the Quebec District so as to
13 "increase the number of strength to 77.
14 "I am pleased to accede to this request
15 "and the necessary arrangements will be made
16 "to examine the next two apprentice
17 "pilots in seniority".

18 My point, if I may bring it to your attention,
19 there appear to have been 75 active pilots and not 74
20 at that time since you were asking for 2 to bring the
21 roster to 77.

22 Q. You are, sir, cutting it fine. I
23 would have to check and I am sure -- there is one I have
24 lost count of somewhere, but I am sure we can find it
25 in no time at all.

26 THE CHAIRMAN: To get the point a little better
27 we could maybe calculate effective pilots.

28 MR. BRISSET: Q. Yes, my lord. Would you
29 not agree, though, Captain that the result of the vote
30 was, to say the least, a very close one in favour of



1 English

2 incorporating the Corporation?

3 A. Not so much because as soon as we got two-
4 thirds we thought we would go ahead and ask for the
5 charter. Afterwards as you noticed we had all
6 kinds of people who came and signed the Act of
7 Adhesion.

8 Q. I would come to the others that signed
9 it: Isn't it a fact that at that time the 26 who signed
10 during 1961, the end of 1960 were faced with an accomplish-
11 ed fact, the Corporation did exist and do you think they
12 had much choice but to fall into the fold?

13 A. Well, I think they were very wise
14 men.

15 Q. One more question, Captain arising
16 out of the cross-examination by Mr. Jacques: Has it
17 happened that there was a general meeting of the
18 Association and of the Corporation, I mean held together?

19 A. Yes, sir.

20 Q. It happened in the past?

21 A. It did.

22 THE CHAIRMAN: Joint meeting.

23 THE WITNESS: Joint meeting, special meeting
24 which we had in Quebec on the 4th of April, 1962.

25 MR. BRISSET: Q. Was such a joint meeting?

26 A. It was, sir.

27 Q. Had there been any other joint meetings
28 of this kind before?

29 A. Before, I don't recall.

30 Q. The joint meeting you are speaking of



1 English

2 was, of course, in relation to the stoppage of work
3 in April, 1962?

4 A. Right, sir.

5 Q. If you have a joint meeting of the
6 Association and the Corporation are the members of the
7 Association that are not members of the Corporation allowed
8 to speak in the case of a joint meeting?

9 A. It was a joint meeting of the Assoc-
10 iation and the Corporation. There was, as I said
11 previously one member present and he had freedom of
12 speech.

13 Q. In other words in the case of a joint
14 meeting you wouldn't apply the rule under which the
15 members of the Association, not members of the Corporation
16 wouldn't be allowed to address a meeting of the
17 Corporation?

18 A. If you wish.

19
20 CROSS-EXAMINATION BY MR. MASON:

21
22 Q. I just have the one question if I
23 may: Exhibit 644 sets out the number of days that each
24 pilot had been absent for the years 1960, 1961 and 1962.
25 Some pilots may have been absent 75 days, in that
26 neighbourhood, and then some other pilots might have
27 been absent for 15 days, 20 days. I am wondering whether
28 the Corporation has any policy regarding what is the
29 average number of days for a pilot to be absent and
30 whether if they do if any sanction is taken against



1 English

2 any pilot who was absent for more than that number of
3 days?

4 A. Well, sir, I know for a fact that
5 some pilots, quite a few of them don't miss a day. They
6 are on call every day through the season, don't miss a
7 day, but by the time we come to the end of the year and
8 the Department compute their figures they manage to find
9 that man absent for 15 days. We know that happens today.
10 It is because if a man arrives after midnight when they
11 make up the tour de role list in the morning they don't
12 put his name down. They put him absent, even if he has
13 gone home to sleep, even though he is on call. This is
14 how they calculate people with 15 and 20 days absent
15 whereas as a matter of fact they haven't been absent
16 one day.

17 Q. Does your Corporation maintain a
18 list much like this giving the number of days absent?

19 A. No, sir, we only have one employee and
20 a little girl.

21 Q. Anyhow you are saying this doesn't
22 represent the situation?

23 A. Absolutely true. It doesn't represent
24 it.

25 MR. MASON: My lord, I have several other
26 questions. I anticipate several other questions of this
27 witness. I am wondering if he is going to be available
28 and if he could be recalled for that purpose when the
29 English transcripts of the Quebec hearings are available.
30 I understand there is some trouble getting these transcripts.



1 English

2 MR. LALONDE: Does my friend or Mr. Mahoney
3 expect some further questions of this witness?

4 MR. MASON: Whoever is present on the day.

5 MR. LALONDE: My friend has followed this
6 in English all along. I don't see what useful purpose
7 there is in the transcript unless our friend Mr. Mahoney
8 would like to ask further questions.

9 THE CHAIRMAN: In any event Captain Rousseau
10 is going to be here tomorrow. There are some documents
11 still to be filed and some questions to be put to him
12 on these documents by Mr. Brisset and maybe by our
13 counsel. In any event he will be here tomorrow for
14 that.

15 MR. LALONDE: My friend is like the master
16 of a lake ship, he would speak only English with the
17 bank president.

18 THE CHAIRMAN: With regard to the last
19 question that was put to you with regard to the
20 statistics about accidents you told us that at times:
21 that pilots who are not absent are being placed on the
22 statistics as absent when they arrived at night. When
23 the situation was noted by the pilots was any objection
24 made to Ottawa for that way of computing?

25 THE WITNESS: Yes, sir, there was one.

26 THE CHAIRMAN: Was it in writing?

27 THE WITNESS: I beg your pardon?

28 THE CHAIRMAN: Was it in writing?

29 THE WITNESS: Oh my golly.

30 THE CHAIRMAN: I wish you would look into your



1 English

2 records and if you find any letters about it we would
3 like to have it because it goes right to the root of
4 the statistics. Would you please look into the matter?
5 Go ahead.

6 MR. JACQUES: Do you have further questions?

7 THE CHAIRMAN: I have further questions but
8 go ahead. You may ask mine.

9 MR. JACQUES: It is in connection with
10 an entirely different subject.

11 THE CHAIRMAN: With respect to the question
12 of discipline I gather from the answers you gave that
13 the Corporation or Association doesn't want to get
14 involved with the question of discipline of the pilots
15 because it is the matter of Pilotage Authority, am I
16 right in saying so?

17 THE WITNESS: Well, sir, as it stands now
18 it is absolutely --- it rests in the hands of the
19 Pilotage Authority. I was asked if we ever interfere
20 with discipline and I answered, no, never. As far
21 as discipline is concerned we have in our By-Laws . . .

22 THE CHAIRMAN: I understand you don't
23 interfere. On the other hand have you done anything
24 in any way to ask that discipline be enforced in some
25 special sense?

26 THE WITNESS: Well, sir, I was in close
27 contact -- the other way round. The Local Supervisor
28 of Pilotage in Québec was in close contact with the
29 Corporation. Many times he asks us what we think on
30 different cases.



1 English

2 THE CHAIRMAN: I understand also that if there
3 are unjustified absences this, of course, will increase
4 the burden of your work and you have reason to complain
5 there?

6 THE WITNESS: Yes, sir, also we understand
7 very well that there are instances where a pilot couldn't
8 follow a young one -- a man say 65 or 64, perhaps with
9 rheumatism, such as Mr. Armand Lachance, he couldn't . . .

10 THE CHAIRMAN: I am talking about unjustified
11 absences or unreasonable requests, people who just want
12 to have a long holiday or not being able to take their
13 tour de role. In cases like that do you protect or
14 follow whether any consideration is taken?

15 A. Unofficially I myself talked to some
16 of the pilots that had taken too many days and I asked
17 them to try to follow the others.

18 THE CHAIRMAN: If disciplinary power were
19 given to the Corporation do you think that this would
20 be easy for the Corporation to enforce or to apply the
21 disciplinary measures?

22 THE WITNESS: I think, sir, it would improve
23 the services.

24 THE CHAIRMAN: Of course there are a group
25 of 77 and if it were given to you it should be given to
26 the other organizations also and there are some very
27 small organizations in other places.

28 THE WITNESS: As Mr. Brisset mentioned this
29 was also discussed at the Federation level whether we
30 should have any disciplinary power, people outside of our



1 English

2 District. We might even consider people outside of
3 pilotage completely on this Board of Discipline. Of
4 course, we haven't got it to that point yet.

5

6 DIRECT EXAMINATION BY MR. LANGLOIS:

7

8 Q. If your lordship would allow I have
9 a few questions dealing with your lordship's. It is not
10 a fact, Captain Rousseau, up to recent years these
11 cases of discipline were dealt with by a Board, joint
12 Board composed of representatives of the Pilotage Author-
13 ity, Shipping Federation and the Pilots?

14 A. I believe -- well, yes. I sat on
15 one, on two cases.

16 Q. Do you know why these Boards were
17 discontinued, this joint action?

18 A. At one point I was told I was too good
19 a lawyer myself. It wasn't so -- we sat with the
20 Shipping Federation, members of the Dominion Marine, and
21 one place I think there was a sanction given to the
22 pilot and in the other case he went scott-free, but the
23 Department officials went over.

24 THE CHAIRMAN: These were Boards of Discipline
25 appointed by the Pilotage Authority?

26 MR. LANGLOIS: They were the Pilotage Auth-
27 ority, Pilots, Shipping Federation and Dominion Marine.

28 THE CHAIRMAN: They had their authority
29 from where?

30 MR. LANGLOIS: The authority came from the



1 English

2 Pilotage Authority.

3 THE CHAIRMAN: That is what I mean.

4 MR. LANGLOIS: The pilots were asked to
5 choose, as far as I know, one representative to sit on
6 a Board and the same with the Shipping Federation.

7 THE CHAIRMAN: Do you wish to say something,
8 Captain Slocombe?

9 CAPTAIN SLOCOMBE: May I speak? This Board
10 had no authority whatsoever. It was purely an advisory
11 board which was tried out as an experiment. As Mr.
12 Langlois says they were representatives of the Shipping
13 Federation, the Dominion Marine Association and of the
14 pilots as well. It was chaired by a member from the
15 Department. It didn't work. We had hoped that this would
16 be an impartial board which would give an absolutely
17 unbiased recommendation to the Minister of Transport
18 as Pilotage Authority. As it turned out it was a straight
19 party line: The pilot representatives were defending
20 the pilot and the Shipowners representatives were against
21 the pilot. It turned out to be absolutely useless and
22 in any case the one case on which Mr. Rousseau sat, there
23 was a recommendation made that the pilot should be
24 penalized and a certain very clever lawyer here was
25 able to produce all sorts of documents to shoot holes
26 in this recommendation afterwards and it was found
27 frankly, the system was found to be unworkable.

28 THE CHAIRMAN: I see. In any event what
29 Captain Slocombe said helps us look at the facts on this.
30 I expect this will be fully, the facts fully brought



1 English

2 before us. I have seen people just wanting to say some-
3 thing tbut their turn is going to come either through
4 their counsel or in some other way. We can get that
5 when we are in Ottawa from the representations. It is
6 delightful to know we have this explanation to help us
7 know what we are talking about.

8
9 CROSS-EXAMINATION BY MR. BRISSET:

10
11 Q. On the topic of discipline I would
12 like, if I may to ask one question of Captain Rousseau.
13 While we are on this topic of discipline or disciplinary
14 measures by the Corporation I would like to refer you
15 to By-Law No. 84, sub-Section D of the By-Laws of the
16 Corporation of the Lower St. Lawrence Pilots which
17 reads:

18 " Lorsqu'il a un grief ou une plainte à
19 formuler relativement à la conduite d'un autre membre, ou
20 en rapport avec l'administration ou l'exercice du pilotage
21 dans la circonscription, il doit le faire par écrit, au-
22 près de la Corporation, et à nulle autre personne ou
23 autorité."

24
25 (THROUGH THE INTERPRETER: Whenever there is
26 a grievance or a complaint to make concerning the conduct
27 of another member or concerning the administration or
28 the pilotage within this District he should do so in
29 writing -- he, naturally is the pilot -- to the Corporation
30 to no other person or authority.)



1 English

2 Would you explain to us, Captain, what is
3 meant by this? I am not too clear as to what the
4 duty of the pilot is in the circumstances described
5 and particularly why should the report be made only to
6 the Corporation and not to anybody else, meaning, of
7 course, the Pilotage Authority?

8 A. Experience taught us that complaints
9 from one pilot about another pilot, verbal complaints
10 were not good. Whenever, apparently, when they have
11 come down to brass tacks there wasn't very much there.
12 By putting it in writing I think that the fellow would
13 make sure that he has something to complain about before
14 he writes it down. That is just internal. If a fellow,
15 for instance, doesn't behave himself then another fellow
16 might think that he doesn't behave himself he has to
17 write, just to write to the Corporation and ask
18 the Administration about it.

19 Q. Would that apply even to a breach
20 of the law or of the Pilotage By-Laws for the District?

21 A. No, sir.

22 Q. In the case of the breach of the
23 By-Law by a pilot of the circumference of Quebec what
24 would be his duty according to you under sub-Section D
25 of Section 84?

26 A. At all times the Authority is informed.

27 Q. In other words the pilot should also
28 submit his report to the Pilotage Authority and not only
29 to the Corporation in spite of this By-Law?

30 MR. LALONDE: Might I refer my learned friend



1 English

2 to the last words of Article 2 of By-Law 1 and the last
3 part of the letters patent where this is stated specific-
4 ally. It is French.

5 MR. BRISSET: That is what I wanted to be
6 sure of, this particular By-Law 84D doesn't indicate
7 when there is a breach of the law or By-Laws of the
8 District the pilots are only making the report to the
9 Corporation?

10 A. No, sir.

French 12 CROSS-EXAMINATION BY MR. JACQUES:

13 (THROUGH THE INTERPRETER.)

14 Q. This joint committee which was
15 mentioned beforehand was created when, established when?

16 A. 1960, I think.

17 Q. You were a member of that committee
18 when it existed?

19 A. Well, I was invited to sit on that
20 Committee twice.

21 Q. Would you have if your records correspond-
22 ence or certain documents relating to that committee?

23 A. I don't think so.

24 Q. When you sat on that committee did you
25 think that that committee was a useful forum which was
26 really fulfilling a definite duty?

27 A. Well, that is difficult to answer because
28 that committee didn't have a long life. I know that
29 in one case it seemed to me that the members of the
30 Shipping Federation were in agreement with us and that



1 French

2 the members of the Dominion Marine weren't in agreement with
3 us and at any rate the Pilotage Authority later on
4 penalized the pilot. At other times there was a penalty
5 against a pilot and the Pilotage Authority agreed to the
6 extent we have recommended.

7 Q. In another line of thought three
8 pilots were mentioned who were supposed to have died
9 from overwork. In what year was that?

10 A. I explained to Mr. Brisset that two
11 died in 1959 and the third one on Toronto City off
12 Father Point in 1960.

13 Q. You contend that they died of overwork.
14 How do you get to that?

15 A. As I said before the year 1959 was
16 an extremely hard year for our group and many pilots
17 became sick that year. One of them fell about one
18 hour after having gone on board and he fell on the floor
19 of the wheelhouse and the ship had to come back.
20
21
22 -
23
24
25
26
27
28 -
29
30



R/RPS

1 French

2 Q. Were there medical examinations in
3 all those cases?

4 A. Yes.

5 Q. Were the results of these examinations
6 sent to the Association at that time?

7 A. I don't remember exactly if they have
8 been sent because I was not in the office at that time.
9 I do know, however, after having spoken to these pilots
10 that the majority of them suffered from heart disease.

11 Q. This heart illness, is that peculiar
12 to pilotage?

13 A. In the year 1959, yes.

14 Q. In 1959 then the heart disease was
15 something occurring quite frequently with pilots?

16 A. Yes. Well you don't say that you
17 have a physical illness when you suffer from a cold.

18 Q. When you say that the pilots were
19 subject to overwork, this is the type of report that
20 was given to you by the pilots?

21 A. Well I knew some of these pilots. I
22 went to visit them in the hospital myself.

23 Q. And the cause of this heart disease,
24 these pilots told you that the direct cause was overwork?

25 A. I was a pilot in the year 1959 and I
26 wasn't the only one in 1959. We were a whole group of
27 pilots and I stated, and I repeat that we would have
28 been unable to go on doing the type of work that we
29 had performed in 1959.

30 Q. How many pilots were you in that year



1 French

2 1959?

3 A. 74.

4 Q. And in 1960 how many?

5 A. Well I would like to check the statistics
6 to give you an answer but I think it would be approxi-
7 mately 67.

8 Q. So in the year 1960 you were 67?

9 A. I thought you said in 1952. Well in
10 1960 we were 77 pilots.

11 Q. 77 in 1960 and in 1959?

12 A. Well I think we were about 74 or 75
13 pilots.

14 Q. So the two pilots mentioned beforehand
15 were put on the assignment list in the year 1960?

16 A. I think so.

17 Q. Was the workload of the pilots greater
18 in 1962 as compared to 1960?

19 A. Well we must say in the year 1960 the
20 system changed. That is the grading system was changed
21 because it was established in the year 1960 so naturally
22 then the number of trips performed per capita was
23 divided because, as I stated beforehand, many pilots were
24 going upstream to Quebec in order to board special ships
25 and others were taking some ships on the regular line
26 so there was a great deal of transportation by train
27 and bus.

28 Q. This no longer exists, or practically
29 no more?

30 A. Well I must say that everything goes



1 French

2 more smoothly.

3 Q. But in the year 1960 this system was
4 already in existence?

5 A. Yes.

6 Q. Did your workload increase since 1960?

7 A. Ever since 1959 our workload has
8 decreased. That is to say the distance is less but one
9 must explain here that to pilot a ship, or to be charged
10 with the pilotage of a ship during 16 or 18 hours as
11 we did from Father Point, well we need about 48 hours
12 in order to rest afterwards, so naturally we do more
13 trips now but the trips are shorter.

14 Q. In the year 1960, on an average how
15 many trips did you do every week?

16 A. In 1960 I think it was 104 or '5 trips.

17 Q. During the peak of the season?

18 A. Well this would be about four to five
19 trips per week.

20 Q. And in the year 1962?

21 A. I think the figures are about the
22 same. Perhaps there is an increase of one or two
23 trips.

24 Q. Did you try to establish the cause of
25 such an increase?

26 A. The traffic has increased.

27 Q. Would that also not be due to the
28 fact that the absences have increased for the year 1962?

29 A. No, not so much so, as everybody would
30 see 1959, in the year 1959 there were many absences because



1 French

2 of illness.

3 Q. And for the year 1960?

4 A. Well there were less absences in 1960.

5 Q. Less than in 1962?

6 A. Perhaps not.

7 Q. You don't have any statistics about
8 absences?

9 A. No.

10 Q. So the statistics of the D.O.T. are
11 the only ones existing, concerning the absences of
12 pilots?

13 A. Yes.

14 Q. And it is not possible to check that
15 out?

16 A. No.

17 Q. Thank you.

18
19 RE-DIRECT EXAMINATION BY MR. LALONDE:

20
21 Q. Were you tired of pilotage in 1959?

22 A. Yes, I was anxious to terminate and
23 I was not the only one.

24 Q. Did you have time to get the documents
25 that were asked for concerning the stoppage of work
26 in the year 1962?

27 A. Well I have a copy of the telegram
28 that was sent to the members on April 3rd 1962.

29 Q. And what other documents do you have
30 with you?



1 French

2 A. I have another document which was
3 also sent to the members on April 4th and signed by
4 myself and the Board.

5 Q. Another telegram?

6 A. Yes.

7 Q. These are the only two documents you
8 found in your files stemming from the Association or the
9 Corporation?

10 A. Yes.

11 Q. And this had to do with the stoppage
12 of work in 1962?

13 A. Yes. And also bulletins that have
14 been sent by the Federation and not by the Corporation.

15 Q. Now I think that my colleague, Mr.
16 Brisset, filed a cablegram signed by the Federation of
17 the St. Lawrence Pilots. Was that sent by your
18 Corporation?

19 A. Yes, by members. That goes out to
20 the ships.

21 Q. And when this stoppage of work was
22 over, did you send another notice to your members?

23 A. This was done by phone.

24 Q. I would like to file in a bundle
25 these two documents.

26

27 ---EXHIBIT NO. 717:

28

29

30

Bundle of documents
stemming from the
Corporation of the Lower
St. Lawrence Pilots and
the Association of Licen-
sed Pilots for the Quebec
Harbour and Below concer-



French

ning the stoppage of work
of April 1962.

Q. My colleague, Mr. Jacques, asked you to check if the D.O.T. and the Pilotage Authority had been notified of your decision to stop work on April 6th, starting on April 4th or later?

A. There was a telegram sent by the Federation to the Minister himself during the afternoon after the decision was made.

Q. Now were you able to check if Pilot No. 70, mentioned previously, received assistance for illness or suspension in the course of the past years?

A. Since 1958 he received no assistance either for illness or suspension and he even sent in another request recently.

Q. You mentioned this afternoon certain point of saturation, for the number of 75 pilots, and you stated that you had been told that if the traffic would increase, well certain exemptions would be granted instead of increasing the number of pilots. Was that told to you as a fact?

A. Yes, but without too many explanations about it.

Q. Was that told to you by an officer of the D.O.T.?

A. Well this was told to us by Mr. Alan Cumyn.

Q. Did you try to obtain more explanation about that?



1 French

2 A. No, we put that idea aside and two
3 additional pilots were granted to us.

4 Q. For what year was that mentioned to
5 you? 1960?

6 A. Yes, 1960.

7 Q. Certain questions were asked you
8 concerning coastal ships or home trade ships and you
9 stated that there was only a very small number of these
10 ships.

11 A. I think that there were only two last
12 year which were chartered by Canadian companies.

13 Q. Have you this year certain coastal
14 ships under an Irish flag?

15 A. Yes. One is chartered for the
16 Canada Steamship. It's called the IRISH WILLOW.

17 Q. Concerning the Board of Examiners on
18 which there are representatives from the D.O.T. and
19 three pilots, was there any minority or majority report
20 regarding the decision of accepting or refusing a
21 member? Do you understand my question?

22 A. No, I don't understand it.

23 Q. Did it ever happen during the examination
24 for admission to pilotage that the two representatives
25 from the D.O.T. were favourable towards the addition of
26 a pilot, whilst the three pilots would be against the
27 acceptance of such a candidate?

28 A. No.

29 THE CHAIRMAN: It was always a unanimous
30 decision?



1 French

2 THE WITNESS: Yes, and above that I would
3 like to add that we also now have yearly examinations
4 for apprentices. That is an examination for the first
5 year, second year, third year and last year one apprentice
6 failed his first year examination and so the
7 Board of Examiners asked the Pilotage Authority to
8 make that apprentice start his third year all over again.

9 Q. During the last hearing in Quebec City,
10 my colleague Mr. Mason calculated the number of turns
11 allotted to the administrators of the Corporation in the
12 course of the past year and had mentioned that all these
13 turns represented about \$11,000 as a direct cost to
14 Shipowners. Do you think that, as a matter of fact,
15 the turns allotted to the pilots sitting on boards cost
16 anything whatsoever to the Shipowners?

17 A. No. It was explained that the pilots,
18 that all members were doing a few hours of extra work
19 every year to cover the administrative work, or to
20 account for administrative work.

21 Q. As regards pilot boats at Les
22 Escoumains, did you have the opportunity of giving your
23 opinion, or were you asked your opinion about the quality
24 of these ships or these boats as pilot boats?

25 A. Yes. The Pilotage Authority asked us
26 I think last year asked us orally to make a report about
27 the launches stationed at Les Escoumains. This was in
28 the course of last year and I have asked them to give
29 us enough time so as to be able to work with these
30 launches, and so forth, and that we would submit a report



1 French

2 to the best of our knowledge in the course of the winter
3 and we submitted a written report in January or February
4 last.

5 Q. What was the object of your report?

6 A. If I remember correctly we gave our
EE2 7 opinion about these launches and how they were negotiated
8 in cases of bad weather, and the size of these launches,
9 tonnage of these launches, and so forth, and we even
10 suggested it would be preferable to replace them, giving
11 us a launch that would be larger in size.

12 Q. And what were the results concerning
13 your recommendations about these launches?

14 A. Well to our surprise we received an
15 answer stating to mind our own business, that we had
16 nothing to do with that. We had nothing to do with the
17 launches.

18 Q. Did you receive that answer by letter?

19 A. Yes. It came from the Local Supervisor.
20 Captain Allard was . . .

21 Q. My lord I am going to file the correspond-
22 ence as soon as we have it. To your knowledge Captain
23 Rousseau the ships within the Quebec District without
24 any pilots, are they supposed to report about the
25 incidents or casualties in which they might be
26 involved?

27 A. Not to my knowledge.

28 Q. This morning my colleague Mr. Brisset
29 filed as an exhibit a copy of a pilotage card where it
30 is stated that a ship had travelled for six hours and



1 French

2 fifteen minutes. I would not like you to file all the
3 pilotage cards of the previous years, but he has stated
4 that this pilotage had earned a pilot \$115. What is
5 the minimum for pilotage? For example, from Escoumains
6 to Quebec City?

7 A. \$98.50.

8 Q. This minimum naturally only applies
9 to small ships?

10 A. Not necessarily sir. If you have a
11 ship of the type of the LIBERTY, big, large ship of
12 10,000 tons, a ship that goes upstream without any
13 cargo are at the minimum rate.

14 Q. Are these fast ships?

15 A. No. Ten knots.

16 Q. So those are ships of ten knots. How
17 long does it take such a ship to go upstream on the
18 river from Escoumains to Quebec?

19 A. Everything will depend upon the temper-
20 ature, the weather, and especially tides. A ship of the
21 type of the LIBERTY may take from 13 to 15 or 16 hours.

22 Q. My colleague mentioned certain income
23 or the earnings of pilots for the year 1962 and he
24 mentioned basic earnings to which he added the earnings
25 of Grade A, plus detention money, plus salvage of ships,
26 and so forth, and reached net earnings for the pilot,
27 according to the balance sheet of the year 1962. From
28 the earnings shown on your balance sheet are there any
29 expenses which are not mentioned in the balance sheet
30 and which have to do with pilotage?



1 French

2 A. Yes. As I said in this take-home pay
3 there are personal expenses of each pilot which are
4 not mentioned therein and those may reach a figure of
5 \$1,500.

6 Q. What do you mean by personal expenses
7 of pilots? I don't imagine that you could put your
8 grocery bill on.

9 A. Well all the expenses that are well-
10 known, are recognized or accepted as such by the Income
11 Tax, well naturally most of the time we do not live
12 at home so those are hotel expenses and transportation,
13 taxis, tips and so forth and transportation to go to the
14 other stations, and so forth.

15 Q. So in the transportation at Quebec
16 to Les Escoumains, if you are forced to take a bus, you
17 have to pay all that personally?

18 A. Well all those expenses are paid by
19 pilots. None of these expenses are paid by the Shipowners.

20 Q. And these expenses reach a figure of
21 approximately \$1,500?

22 A. Yes. They may be a little higher, but
23 approximately \$1,500.

24 Q. My colleague, Mr. Brisset, asked a
25 few questions having to do with percentages and I believe
26 he reached a percentage of 21. According to your
27 experience, ever since the year 1960, do you think that
28 the attendance at meetings of the Corporation and the
29 Association is more than 21 per cent or 40 per cent?

30 A. I would say that the pilots as a rule



1 French

2 are interested in the business of the Corporation and
3 their own business and it is quite surprising to see the
4 number in attendance.

5 Q. Would you be in a position to say that
6 the attendance at times is more than 50?

7 A. I think we never had less than 50
8 members in attendance. It was always around 60 pilots
9 who were in attendance.

10 THE CHAIRMAN: I understand that Captain
11 Rousseau is supposed to come back.

12 MR. LALONDE: If you want to believe me, I
13 am quite sincere when I say that I think we have about
14 one minute. I am so sincere my lord that it seems I
15 do not have any further questions to ask. However, I
16 would like to file correspondence that I mentioned
17 previously regarding the launches or pilot boats.
18 Could you please look at these documents and tell us
19 if it is the correspondence you were referring to
20 previously?

21 A. Yes. This is the letter that we
22 have written and sent to Captain Henri Allard dated
23 January 31st 1963 and Captain Henri Allard's answer of
24 February 4th 1963 stating that he would send our letter
25 to the Pilotage Authority in Ottawa and the last letter
26 dated February 25th 1963 signed by Captain Henri Allard.

27 Q. Could you please read it?

28 A. Addressed to the Secretary-Treasurer,
29 Mr. Wilfred Menard.

30 Dear Sir:



French

"Pursuant to your letter of recent
"date regarding pilot boats at Les Escoumains,
"I would like to inform you that the Pilotage
"Authority does not foresee the possibility
"of replacing one of those launches by another
"that would be of larger size. Moreover,
"it is most surprising to find out that
"the pilots may complain about so-called
"manoeuvrability difficulties with these
"launches as they have nothing to do with the
"manoeuvring or piloting of these ships
"or these launches. The question of the
"emergency generator has been under study
"for a while and improvement should be
"brought about quite soon."

And this is signed Captain Henri Allard,
Supervisor of Pilots.

Q. Did you talk about this letter to
Captain Allard?

A. Yes.

Q. Was it his own letter or was he
sending a copy of a letter he had received?

A. He told me it was a watered-down letter
of the Pilotage Authority regarding launches.

Q. Perhaps it would be interesting, my
lord, for the counsel of the Commission to obtain the
copy of that letter mentioned and what happened to these
recommendations or suggestions made by the pilots
regarding these launches.



1 French

2 THE CHAIRMAN: I think that you may obtain
3 this correspondence in Ottawa, but perhaps you could
4 obtain it from Quebec at the present time.

5 Q. Perhaps it could be added to this
6 Exhibit 718 entitled correspondence between the Pilotage
7 Authority and the Corporation of the Lower St. Lawrence
8 Pilots.

9
10 ---EXHIBIT NO. 718:

Correspondence between
the Pilotage Authority
and the Corporation of
the Lower St. Lawrence
Pilots regarding pilot
boats at Les Escoumains
in 1963.

11
12
13
14
15 A. Yes, this is 1963. I would like to
16 add here my lord that when we received that letter, we
17 were quite surprised and I made a phone call personally
18 to Ottawa in order to find out how come we were sent such
19 a letter and the one who signed that letter told me
20 that there had been a mistake and he had signed that
21 letter without having read it too thoroughly so he
22 apologized and that is all.

23 Q. I am through with this witness my
24 lord. I am led to understand that my colleague, Mr.
25 Jacques, would like to ask a few additional questions
26 of Mr. Menard who is here and who will be available
27 and I would like also to have as a witness Mr. Henri
28 Lafleur and an apprentice from the Quebec District. It
29 is impossible for them to be here tomorrow and I think
30 that they will be here Wednesday morning. I think that



1 French

2 tomorrow my colleague may proceed with Mr. Melanson and
3 to put off Mr. Lafleur's examination to Wednesday.

4 THE CHAIRMAN: So far as Mr. Rousseau is
5 concerned, I think he still has some documents to file
6 and I think that with all the questions that you have
7 asked him, perhaps other counsel may have further
8 questions to ask.

9 MR. BRISSET: I would like to ask a few
10 questions.

11 THE CHAIRMAN: Captain Rousseau your evidence
12 will be adjourned until tomorrow morning. It is already
13 5:20.

14 MR. LALONDE: At any rate, Captain Rousseau
15 will be available during the next 15 days.

16 THE CHAIRMAN: We will adjourn to ten o'clock
17 tomorrow morning.

18
19 ---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M.,

20 TUESDAY, THE 1st DAY OF OCTOBER,

21 1963.

22
23 * * * * *

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL QUEBEC

VOLUME No.:

70

DATE:

Oct. 1, 1963

OFFICIAL REPORTERS

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THE ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Old Courthouse
Building, Montreal, Quebec,
on Tuesday, the 1st day of
October, 1963.

COMMISSION :

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A. Renwick, Esq.	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL :

Mr. Maurice Jacques

P R E S E N T :

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset	for the Shipping Feder- ation of Canada
Mr. C. Mason	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid- St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corp- oration of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.

* * * * *



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* * * * *



Montreal, Quebec
Tuesday,
October 1, 1963.

8530

1 English

2
3 ---Upon commencing at 10:00 A.M.

4 GASTON ROUSSEAU, re-sworn

5 MR. BRISSET: My lord, before cross-
6 examining Captain Rousseau this morning I would like
7 to make a correction on what I stated yesterday in
8 relation to Exhibit No. 645 which is a list of
9 Quebec, Escoumains, showing the number of trips in and
10 out and the total for the year 1960. I had stated the
11 name of pilot L.A. Larue did not appear in that
12 statement--and that was incorrect. I see his name listed
13 as Antoine Larue and showing 52 trips in and 46--I
14 am sorry, showing 45 trips in and 54 trips out for a
15 total of 101. The same applies to the other pilot,
16 J.E. Cloutier, with a record of 49 and 56 trips in, out.

17 THE CHAIRMAN: Also the third one?

18 MR. BRISSET: The third one Roland
19 Caron is only ~~down~~ as having done one trip in. However,
20 my lord, I was correct in stating that in Exhibit
21 644 which is a statement showing the number of days of
22 absences for each pilot in the district neither the
23 name of Joe H. Cloutier or the name of L.A. Larue
24 appeared

25 CAPTAIN SLOCOMBE: If it pleases your
26 lordship I would like to correct another statement made
27 yesterday apropos to 644. Captain Rousseau stated
28 inadvertently, I am sure, that when a pilot comes in
29 after midnight he is marked absent for the following
30 day. I have been in touch with Mr. Maheux this morning



1 English

2 and Mr. Maheuse assured me that only if he requested that
3 his name not be put on the list for that day is his
4 name shown as an absence. He reminded me, Captain
5 Maheux reminded me he had stated this in his evidence
6 and it will actually be found on Page 7236 of the
7 English transcript

8 MR. JACQUES: What volume?

9 CAPTAIN SLOCOMBE: Volume 60A and
10 at Page 2083 of the French transcript, Volume
11 at Page 7236. These days of absence in the
12 case of a man coming back after midnight, that name
13 would be shown absent unless the pilot asked for the
14 name to be left off the list for that day. Otherwise
15 his name would be on the list at 9 o'clock in the
16 morning. Thank you.

17 MR. BRISSET: Captain Rousseau, you
18 told us yesterday that the pilot . . .

19 THE CHAIRMAN: On the last part,
20 yesterday, I asked that any correspondence that referred
21 to the question of absences and statistics on that be
22 provided, if there were any correspondence between
23 the pilots and the Authorities so should you find any
24 because there appears to be disagreement anyhow I
25 would like still to have the correspondence.

26 THE WITNESS: I am sorry, my lord.
27 We looked for this and couldn't find any corres-
28 pondence. I remember quite well that last winter
29 with the local supervisor Captain Allard that the
30 question Captain Slocombe brought up-- we came to this



1 English
2 sort of agreement between Captain Allard and ourselves, and
3 further, I believe, on recommendation of the Authority in
4 Ottawa that these people should be treated separately
5 from the others. That was arranged only last winter
6 between Captain Allard and ourselves when we talked
7 about dispatching.

8 CAPTAIN SLOCOMBE : We could have
9 Mr. Maheuse come to Montreal to give further
10 evidence on that to have further clarification here.
11 I am not in a position to clarify it properly.

12 THE CHAIRMAN: So we are going to
13 do so. This is going to be done. We would like that
14 done. You will look after that?

15 MR. JACQUES: Yes, my lord.

16 THE WITNESS: I believe at that time
17 that Mr. Maheux was really sick and this was done
18 between Captain Allard and ourselves and not Mr.
19 Maheux and this was done verbally and there is no
20 written letter about this. Mr. Maheux was absent
21 during the time, I believe.

22 MR. LALONDE: My lord, yesterday, you
23 recall that Mr. Jacques requested a copy of the
24 circular sent to the members of the Corporation
25 concerning the larger ships at Chicoutimi. I found
26 that this circular is dated October 5, 1961 and
27 appears in the series of bulletins already produced as
28 Exhibit 688. The date of the bulletin is October 5,
29 1961.

30 THE CHAIRMAN: Thank you. Mr.



1 English

2 Brisset, you may go on now.

3 CROSS-EXAMINATION BY MR. BRISSET (Cont'd.)

4 Q. Captain Rousseau, you told us
5 yesterday that the average expenses of pilots in
6 your district was about \$1500, or at least, this was the
7 deduction allowed by the Income Tax Department in
8 respect to travelling expenses and so forth. Do you
9 recall this?

10 A. Yes, I would like to give a correc-
11 tion here. The expenses were in the range of \$1500
12 or \$1800 approximately.

13 Q. Has the Corporation of your district
14 ever substantiated this average expense figure in its
15 dealings with Pilotage Authority and the shipping
16 industry?

17 A. No, sir. We talked about these
18 expenses a few years ago--we had quite a bit of trouble
19 with the income tax people about these. They came to
20 the office and scrutinized thoroughly the expenses of
21 the pilots for the year. Some pilots had, for instance,
22 to write every expense that he made through that year,
23 even the name of the ship that he sailed on, the times
24 that he sailed, the time of arrival down at the other
25 end and the income tax people after a while came--
26 allowed the pilots this amount of about \$1500 after
27 having studied this very thoroughly.

28 Q. I quite appreciate that you might have
29 had, the pilots might have had some difficulty with
30 the tax authorities. What I was asking was whether



1 English

2 this amount of expenses was ever substantiated in your
3 discussions with the Pilotage Authority or shipping
4 industry?

5 A. It was never discussed.

6 MR. LALONDE: Could my friend define
7 what he means by substantiated? I am afraid the
8 witness might be misled here. What do you mean
9 exactly?

10 MR. BRISSET: You understand what
11 the word substantiated means, vouchers and giving a
12 list of expenses rather than just the lump sum?

13 A. It was produced to the income tax
14 people, but not to the shipping industry, of course not.

15 Q. Am I correct, pilot, in stating
16 that for the years 1961 and 1962 the average number
17 of trips out was about 100 or a little more? I am not
18 speaking of turns, but trips.

19 A. This was over 100.

20 Q. It would be between 100 and 104?

21 A. I believe that is what I said
22 previously, 105.

23 Q. Am I correct in stating that the
24 greater majority of the pilots in your district live
25 in Quebec or in the vicinity of Quebec?

26 A. That is correct.

27 Q. For the purpose of easy calculation
28 would you agree that if there were 100 to 104 trips
29 during these two seasons per pilot about
30 half of them would originate in Quebec, that is would



1 English

2 out?

3 A. Not exactly half, no.

4 Q. There might be two or three more
5 trips in in one case?

6 A. It all depends.

7 Q. And two or three trips out in another
8 case, but they were pretty well balanced.

9 A. No, sir, they don't balance. They
10 don't balance at all.

11 Q. To what extent do they not balance
12 in your estimation?

13 A. They don't balance because
14 the average trip by land for each pilot would be
15 easily approximately 12 to 15, perhaps more, trips by
16 land going from one station to another.

17 MR. LALONDE: This is all before
18 the Commission in Exhibit 645, giving number of trips
19 in and out for each pilot for 1961 and 1962.

20 MR. BRISSET: Alright sir I would
21 ask you examine before you, Captain, Exhibit 645.
22 Would you look at the year 1961 and the year 1962?
23 It is on the second page. Let us take the first
24 on that?

25 A. On the second page did you say?

26 Q. Yes pilot I am speaking of the year
27 1961 and 1962. Let us take the first pilot H. Brochu,
28 1961, 53 trips in, 53 trips out. You
29 agree this balances quite evenly?

30 A. Yes, sir.



1 English

2 Q. Take the next one--the same one for
3 1962, 54 trips in and 52 trips out for a total of 106.
4 Do you agree that this balances?

5 A. As far as adding up these figures
6 they do balance. This doesn't show, for
7 instance in spring, the trend of shipping is only
8 westward and therefore most of the pilots will travel
9 down there by road to go and get these ships. They
10 will take them in. They will get to Quebec and return
11 again by road to get another ship in. In the fall of the year
12 the trend is reversed and all the ships are coming out.
13 When you get to Les Escoumains most of the pilots,
14 I would say all of the pilots come up by land to go
15 on the ship and take them out. This doesn't show.

16 Q. Yes have had 10 years or more of pilotage
17 in the District?

18 A. Yes, sir.

19 Q. You live in Quebec, do you not?

20 A. Yes I do.

21 Q. On an average how many trips have
22 you had every season out of Quebec out of 102 and 104
23 trips?

24 A. Very hard to say.

25 Q. You can't make an estimate, sir?

26 A. No, sir.

27 Q. In spite of the fact you have had
28 12 years in the service you can't say?

29 A. Some years I might be unfortunate
30 and have more trips by land than some other year.

Q. Keeping in mind your experience as a



1 English

2 pilot for twelve years and referring yourself to the
3 last three years, particularly, since special parts
4 have been abolished, how many times have you had to
5 leave Quebec to go to Escoumains during the year?

6 A. From Quebec to Escoumains?

7 Q. Yes.

8 A. Perhaps 8 to 12 times.

9 Q. How many Escoumains to Quebec?

10 A. Well I'd say perhaps a little less
11 than that number. It is hard to say.

12 Q. Twenty times

13 A. No, it is a little high. Twenty is
14 a little high.

15 Q. A little high?

16 A. A little.

17 Q. You mean to say out of 100 trips
18 you would have to travel by land from one station to
19 another in a proportion of 20 per cent

20 A. I'd say 20 per cent--20 trips was a
21 little high. I believe we average about 15 trips,
22 perhaps a little more or a little less.

23 Q. May I say to you, Captain, if that
24 is an average there has not been a great deal of im-
25 provement in your tour de role system as compared to
26 that of the special pilot system?

27 A. May I say to you there has been.
28 We have figures for 1960 and it increased, the trips
29 by land have increased. We have the figures for 1960.

30 Q. Still you had 15?



1 English

2 A. Well, we did, yes, sir.

3 Q. Would you at least concede that
4 on an average year you would do, say, 40 trips out of
5 Quebec.

6 A. Alright.

7 Q. What would be your expenses in the
8 case of a trip starting from Quebec--well I suppose
9 that taxis from your home to the ship or the bus from
10 your home to the ship or giving a gratuity to your wife
11 to take you down to the ship. Is that all your expense?

12 A. My lord, I would like to say here, this
13 question of expenses has been studied thoroughly by
14 experts in the taxation department and it had been
15 screened, and I don't mean maybe, with a fine
16 tooth comb, and I don't think that here today I should
17 go through again--through all this. It has been
18 proved. Everybody has been scrutinized in my district.
19 The expenses have been brought down to a minimum and
20 today the Tax people would allow us expenses in the
21 vicinity of about \$1500 to \$1800.

22 THE CHAIRMAN: Yes,
23 the question was looked into by the Department of
24 Income Tax for their purposes, but we have a statement
25 here before us that the average amount of expenses
26 by ~~pilots~~ during the year, deduction from the income
27 is shown in the neighbourhood of about \$1500. I
28 think we ~~have~~ to know what is the basis.
29 If you are not prepared to do so you can state so
30 and later on you may come with the figures.



1 English

2 I understand that you may not be prepared now to have
3 all these things. If so you may have leave, if you
4 wish, to prepare these figures and come back. I think
5 it is important for us because it is important to calcul-
6 ate the revenue of the pilots. We are not bound by
7 what the Income Tax, for their own purpose have decided.
8 We have to know by ourselves. It is the same thing
9 as if you said, or if the other side said this was
10 decided by the Department of Transport, so there-
11 fore it isn't necessary.

12 THE WITNESS: I agree, your lordship.

13 THE CHAIRMAN: It is another
14 department.

15 THE WITNESS: I quite agree. In
16 these expenses there were two departments. We were
17 first scrutinized by the Federal Department of Income
18 and then we had to face the Provincial people.
19 We had to make a report of our expenses to both of these
20 people.

21 THE CHAIRMAN: I am pretty sure it
22 would be very easy for you to find those figures.

23 THE WITNESS: I am sorry to say I
24 had to make the list of expenses in the year personally,
25 I mean in the year 1959 or 1960, the names of the ships
26 and the times that I sailed, the taxis and the meals
27 in the hotels--I haven't got that anymore.

28 MR. LALONDE: I don't necessarily
29 think the witness needs all these figures. I think
30 he could give information which should be satisfactory
to my friend .



1 English

2 THE CHAIRMAN: I wouldn't like to
3 put him on the spot when he is not prepared to say so
4 and with preparation we might have more accurate
5 information. I don't mean to get into
6 the expenses every day, but as an average on a trip.

7 MR. LALONDE: I think the witness
8 should be able to answer that.

9 THE CHAIRMAN: I know when they have
10 to go to Escoumains they are obliged to take an hotel
11 there anyway whether they come by ship or whether
12 they go by rail--there is no way up there by bus. I
13 know they have to sleep somewhere, so there is the
14 hotel.

15 THE WITNESS: Your lordship, may I
16 say the income tax people for a while previous to 1960
17 were allowing each pilot \$15 per trip for the expenses,
18 and they found it wasn't fair, so we
19 thought we would to explain it at least more fully
20 and they abolished the \$15 expenses per trip in our
21 district. I think it is enforced somewhere in some
22 other districts.

23 MR. BRISSET: Captain Rousseau, I
24 just want to ask you a general question which I think
25 that you would be able to answer. I will not ask you for
26 details that you may not be able to give us at this
27 moment. The first question:

28 I wanted to know if whether in your
29 experience in calculating your expenses for the year
30 the pilots included their fare to proceed from their



1 English

2 home to the ship in Quebec when they take it in Quebec?

3 A. Yes, sir.

4 Q. Which would mean either taxi fare
5 or bus fare or if they use their own car, gasoline?

6 A. They very seldom use their own car,
7 sir.

8 Q. What does it cost to travel from
9 Quebec to Les Escoumains by bus?

10 A. It costs. . . .

11 Q. What is the fare?

12 A. \$5.50, special fare given to us.

13 Q. You have told us you had \$15.00 a trip.

14 A. Yes on a trip.

15 Q. That is included on the \$15.00?

16 A. That is included. ?

17 Q. How much are you charged there then
18 for meals and board at the--bed and board at the hotel
19 at Les Escoumains?

20 A. It all depends on the meal that you
21 eat, sir. The hotel room is about \$3.00 now,
22 The meals are about, from \$1.50 to \$2.00, perhaps a
23 little more.

24 Q. I have been informed and tell me if it
25 is incorrect, that the rate at Les Escoumains was \$6 a day?

26 A. No, sir, it has been increased.

27 Q. It has been increased?

28 A. Yes.

29 Q. To what?

30 A. I couldn't really remember, but I



1 English

2 recall the correspondence to that effect.

3 Q. At one time it was \$5.00 or \$6.00?

4 A. Approximately.

5 Q. How many days would a pilot normally
6 be waiting at Les Escoumains for his ship to come back
7 to Quebec?

8 A. It all depends, sir, it all depends
9 on the traffic. Sometimes you might have to wait 24
10 hours, 36 hours, 32 hours, sometimes 18 hours, but I
11 would say on an average 30 hours, 24 to 30 hours.

12 Q. So he gets--how many hours did you
13 say?

14 A. 24 to 30.

15 Q. He is getting a day's rest at Les
16 Escoumains or a little more between each assignment
17 in and out on an average?

18 A. Call it rest if you wish, yes.

19 Q. You are in a dilemma, you can't give
20 us too much or too little?

21 A. I am not caught anywhere.

22 Q. So, he would have to pay his meals and
23 board, his bed during that time?

24 A. He pays the expenses
25 from the time he leaves his home to the time he comes
26 back home and that includes Port Alfred.

27 Q. Port Alfred--do you recall that
28 you told us in Quebec when we were discussing turns
29 that there were very few jobs per year to pilot to
30 Port Alfred?



1 English

2 A. Today that is correct, for this year,
3 As I said in Quebec traffic in Port Alfred has
4 decreased.

5 Q. We can leave aside Port Alfred
6 as an element or factor in increasing the pilots
7 expenses to any great extent, can we?

8 A. Leave it aside --if you want to
9 go through expenses to the fine point. No, I wouldn't
10 leave it aside, no..

11 Q. Would you agree that if there
12 are forty trips out of Quebec per year
13 there would be about the same number of your trips in
14 balance from Les Escoumains for a pilot?

15 A. About.

16 Q. So he would have to spend an
17 average of 40 to 50 days a year in Les Escoumains;
18 is that correct, waiting for the next ship?

19 A. That is hard to say.

20 Q. It is hard to say. It wouldn't
21 be an average. ~~that~~ that would be too far out. Would you
22 not agree?

23 A. You might be too far out. I don't
24 know.

25 Q. One more question, Captain:

26 Could you tell us that in the case
27 of pilot No. 70 whom I guess . . .

28 A. I know by now.

29 Q. You know by now. The Corporation
30 decided he wouldn't be allowed any sickness assistance
You told us that yesterday, during the last 2 or 3 years.



1 English

2 A. No, excuse me, I said during the
3 last two or three years that we were very strict as far
4 as he was concerned in requesting reports from his
5 medical reports.

6 Q. The Corporation didn't, I understood
7 you to say, grant any sickness assistance?

8 A. I don't believe that he asked for
9 any.

10 Q. He didn't?

11 A. I would like to point out
12 that previous to that season that man used
13 to be sick and he used to ask for this help every
14 year, I think from the time he was a pilot.

15 Q. So when you told us yesterday that
16 Pilot No. 70 didn't regularly receive this assistance
17 by the Corporation you didn't want to convey that he had
18 been turned down?

19 A. He didn't ask any, sir.

20 Q. You mean he didn't ask for any
21 assistance?

22 -

23 -



1 ENGLISH

2 A. No, I remember now that he did not
3 ask for any help, except as I mentioned yesterday just
4 very lately. Last week.

5 Q. Has a decision been taken by the
6 Corporation?

7 A. No sir. A decision is taken whenever
8 we have a Directors' meeting.
9 That is only when we will be able to study the case.

10 Q. Would it be presumptuous for me to
11 ask what will be the decision of the Board of
12 Directors as far as you can foresee?

13 A. It is sir. As a matter of fact, I
14 would enquire -- I will ask our legal advisor what he
15 thinks about it.

16 Q. To say the ~~least~~, you seem to have
17 doubts in your mind that the pilot should be given
18 assistance?

19 A. Doubts, hard to say if you would
20 call it a doubt. We are going to study the case
21 thoroughly. We know that. I have not seen the request.

22 It is the Secretary-Treasurer who told me about
23 this. We know that the man now is in the hospital.
24 What for, I don't know.

25 Q. Captain had you studied this
26 particular case thoroughly when you wrote on the 12th
27 of December 1962 to the Minister of Transport, Exhibit
28 705, stating that his absences were justified?

29 A. Justified sir.

30 MR. LALONDE: Would my learned friend



1 ENGLISH

2 exactly quote what was said in that letter please?

3 Q. I quote again from this exchange
4 of correspondence starting with the letter of the
5 Minister dated the 10th of June 1963. I am sorry, I
6 made a mistake in the date. Pilot so and so was
7 absent during 116 days in 1962. No satisfactory
8 explanation was given to motivate these absences. Your
9 reply of the 10th of July 1963: Pilot so and so, at
10 the request of the Supervisor of Pilots, Pilot so and so
11 has produced medical certificates to justify his
12 absences. These certificates ~~come from the doctors at~~
13 the National Health Ministry and from his personal
14 doctor.

15 A. That is correct sir. We asked--we
16 are the ones before we wrote that letter that asked
17 Captain Allard if he had received the certificates.

18 MR. LALONDE: In connection with
19 Exhibit 645, my friend has quoted the case of a pilot
20 Brochu and that is exactly
21 the same number. I would ask the Commission when it
22 comes to study this matter, to look carefully further
23 down and see the difference that exists in the number
24 of instances, which goes 10 or 12 trips in some
25 instances.

26 CROSS-EXAMINATION BY MR. JACQUES:

27 Q. Mr. Rousseau, on Exhibit 645 in the
28 year 1962, I think that the pilot J.C. Bernier is the
29 one who has done the greatest amount of trips from
30 Quebec and to Quebec City.



1 FRENCH

2 A. Well I think it is Andre Bernier
3 rather than J. Bernier.

4 Q. What is the busiest month in your
5 season of 1962?

6 A. Well the month -- I don't know which
7 month.

8 Q. You don't remember whether it was in
9 the middle of the summer?

10 A. Well we never focused on the particular
11 month of the year which would be the busiest one.

12 Q. Then you couldn't give us just an
13 estimate?

14 A. Well I already said that the month of
15 August was the quietest month. Then of course
16 September, October, etc. they go up in the number of
17 trips. May and June also are fairly busy.

18 Q. Well if I may, your lordship, we have
19 asked the superintendent at Montreal to report to the
20 Royal Commission on all the details of the work of the
21 pilots throughout the year. The details contain the
22 departure time, arrival time, movages, etc. Everything
23 in his professional life for the full month of the
24 year. Now I will ask Mr. Maheux the local
25 superintendent or supervisor of Quebec City, to pre-
26 pare a similar document in the case of Mr. Andre
27 Bernier, who has done, in 1962 according to Exhibit
28 645, 110 trips. Of course this will include departure
29 time, arrival time, the movages and his trips Quebec to
30 Escoumains or Port Alfred. Everything he has done



1 FRENCH

2 during the month of June.

3 Mr. Rousseau according to you would
4 this be a good sample?

5 A. Yes this would be a good sample except
6 that I can see here you are picking up a pilot of
7 Class A, who pilots passenger vessels who are fast and
8 the majority of these vessels are faster than those of
9 the Class B pilots.

10 Q. Mr. Rousseau could you indicate on
11 Exhibit 645 a pilot of Class B who has done the greatest
12 number of trips?

13 A. The average is 107, 108. You have
14 Mr. Olivier Paquet, 109. Mr. Yves Larue,
15 108. These are Class B pilots

16 Q. Well is Mr. Paquet doing any movages
17 on vessels in the Quebec Harbour?

18 A. Well I don't know. You have
19 Mr. P.E. Cloutier who had 108.

20 Q. Could you indicate to me a name please?

21 (WITNESS INDICATES)

22 Therefore, the detail of work of Mr.
23 Paul Cloutier who has done 108 trips in 1962, so we would
24 like to hear the details for the month of June. Mr.
25 Rousseau, was it mentioned at any time, or did you
26 mention the building of an auberge by the corporation?

27 A. Well yes, we have been asked at some
28 stage. Several pilots asked about the possibility
29 of building a shed or hotel at the station of Escoumains.
30 We did establish, last winter, I think another committee



1 FRENCH

2 of interested pilots to study the question.

3 They have worked. They met people,

4 architects, and people who know about it and they
5 have prepared their plans I think on the various
6 houses or buildings. We have then reported to the
7 members and the matter was dropped.

8 Q. Why?

9 A. Because it was fairly expensive for
10 the pilots and the pilots did not come to an agreement
11 on any plan which should be selected. In any event,
12 we would have had to borrow a considerable amount of
13 money and it was fairly expensive.

14 The committee studied also the
15 possibility of a trailer and several members
16 preferred not to wait for a decision to be taken on
17 the housing which was referred to, and they have bought
18 the trailers themselves.

19 Q. Well the members themselves have
20 bought their trailers?

21 A. Yes, the members themselves borrowed
22 money from the bank and they bought their own trailers.

23 Q. Are you one of these members who are
24 owning a trailer?

25 A. I never had time to think about it.

26 Q. Well if you are aware of this, could
27 you tell us if the members grouped themselves together
28 to buy a trailer?

29 A. No. These people have purchased 50 ft.
30 long trailer. They have them subdivided in two and



1 FRENCH

2 maximum number of pilots in one trailer is 4 and if
3 I understand, some prefer to remain alone in one part
4 of the trailer; those who can afford it.

5 Q. Probably the Class A pilots?

6 A. No, the pilots who perhaps married
7 someone who was wealthy.

8 Q. Well are these trailers bought jointly
9 by four pilots forming a society or association?

10 A. No, not yet, but I have heard that
11 some people intend to form a small association in
12 order to ensure that these trailers would always be
13 well-maintained; would be clean. That they would not
14 become slums and that after a while one would see
15 that the lots around the trailer would be well main-
16 tained also.

17 Q. Were these trailers bought because
18 the hotels in Escoumains are not adequate?

19 A. Well they were bought for several
20 reasons. At first, we had some difficulty in finding
21 taxis at night at Escoumains so we were just there on
22 the dock and we had no transportation to go to the hotel
23 at night-time and in many instances also, and I spoke
24 about it with the Pilotage authorities in
25 Ottawa, it was fairly difficult for pilots to leave
26 the hotel at night-time and go to the pilot launch so
27 in some instances the vessels had to wait for 15 or
28 20 minutes, sometimes half-an-hour, because of lack of
29 transportation.

30 Well then finally the hotel people



1 FRENCH

2 themselves offered to transport the pilots during the
3 night, so this spring, we made some contracts, or
4 concluded with some hotels--with the taxi companies
5 and we did not have the same difficulties.

6 Q. Are the hotels in Escoumains
7 sufficient to accommodate all the pilots who go there?

8 A. Well all depends. During the season,
9 the fishing or hunting season it is full and sometimes
10 we have not got enough room, no vacancies, and very
11 often happened to me. I had to be sent back home.

12 Q. Where did you go then?

13 A. I was going to the second and third
14 place.

15 Q. Did this happen to you?

16 A. Yes.

17 Q. Where did you go finally?

18 A. That is where the pilots finally
19 decided to have some trailers. Of course I told them
20 to wait because in 1960 the Department had promised
21 us an office, a pilotage office, at Anse aux Basques
22 with a certain number of rooms and all this was de-
23 layed and postponed ~~so much~~ so much that the pilots were tired
24 of waiting and finally bought their trailers.

25 Q. How many trailers were there?

26 A. I think there are 4 or 5. They are
27 installed on the Indian Reservation but these are not
28 Indians who live there.

29 Q. Now Mr. Rousseau in the Corporation
30 Pension Fund was it ever mentioned that the Pension



1 FRENCH

2 Fund could invest money in the following manner:

3 By lending to young pilots on mortgage
4 so that they could build houses?

5 A. Young pilots have mentioned this to
6 us and we replied that this could be considered but
7 at the present time we could not consider it thoroughly.
8 This was done orally. There is nothing in writing on
9 that particular subject.

10 Q. Was it ever mentioned in the assembly
11 of the Corporation of the Lower St. Lawrence Pilots,
12 not the Pension Fund, that one could install a leave
13 system, a holiday system.? You know the system in
14 Montreal?

15 A. No.

16 Q. Well in the beginning of the year
17 the pilots set forth the leave periods?

18 A. No this has not been studied yet.

19 Q. Did you study a system of leave in
20 your district?

21 A. Not yet, because 1960 there has been
22 great changes, I would say great improvements and
23 we have had to work a lot in order to come to these improve-
24 ments. We have not even had time to think about
25 this leave system.

26 Q. Do you think that the leave scheme
27 could facilitate the work of the pilots?

28 A. Well without having studied this, I
29 couldn't here say anything about it.

30 Q. Well do you think that it would be a



FRENCH

good thing in your district that the pilots should or could rely upon a particular period of the year as a leave period, or certain number of days per month as leave?

A. Well I think our colleagues in Montreal have a particular scheme but before answering I would like to ask them what do they think of this particular scheme. I did not study it and I cannot answer.

Q. Just forgetting the system in Montreal, here is the situation: pilots take leave whenever they like it and this is shown in Exhibit 544, where leave periods are fairly considerable.

A. Well if I may, I would like to tell you that pilots do not take. They request leave. Every time the pilots request from the Pilotage Authority, the local one, if they can take some leave, sometimes they take leave for maybe cases of death or marriages in the family and sometimes they take a few days leave or some holiday with their wife.

Q. Do you think there is a need for the establishment of a leave scheme, for a monthly or weekly scheme?

A. Well I don't see any need or necessity for it today, because I would say that perhaps Captain Allard who was supervisor, had a high hand on this, and he could see that the traffic was too heavy, he would purely and simply refuse leave and when he could see the traffic was reducing, well then



1 FRENCH

2 he was granting leave.

3 THE CHAIRMAN: Well from the statistical
4 point-of-view don't you think it would be better that
5 a certain number of days per month be granted as leave
6 so that it would not be shown as absences? It would be
7 a leave?

8 THE WITNESS: Well I just wonder
9 whether we could agree that these days would not be
10 shown as absences.

11 THE CHAIRMAN: Well statistically it
12 shows that they normally should be on duty, and they
13 are not there; supposed to be on duty seven days a
14 week, thirty or thirty-one days a month, etc. 365 days
15 a year--no 275.

16 THE WITNESS: Well we are available
17 during the winter also.

18 THE CHAIRMAN: Well it is normal then on
19 one of these days during the month when one needs to
20 take some leave, and at the present time it is shown
21 as absence, so I am making this particular mention
22 here, when we will study statistics of other districts
23 where one should note a difference.

24 Q. On other districts where we have
25 made a survey, I am speaking of important districts,
26 they all have leave schemes, official leave schemes,
27 and sometimes informal leave schemes. You have told
28 us, if I remember correctly, that you would like or
29 would wish that the corporation could exercise some
30 disciplinary authority on its pilots, or something to



1 FRENCH

2 that effect.

3 A. Well yes, I said so. I said perhaps
4 within the Federation of the St. Lawrence Pilots where
5 it would be easier to have a discipline committee always
6 under the supervision of the Pilotage Authorities
7 because in our regulations we have, or rather the
8 rules of the discipline committee, we could have, for
9 instance, five people on there, we would have the
10 appeal committee which would be composed of ten members.
11 We would have a total of 15 members so we would have
12 not too many people outside these committees and it
13 would be difficult, within our corporation, to use the
14 system.

15 However, we think that discipline
16 committee within our organization would certainly be
17 a good thing.

18 Q. Well you thought about the structure
19 of these bodies. Now did you think about the procedure
20 that you would follow?

21 A. Yes. In our regulations we have
22 rules about this.

23 Q. Well then the procedure to be
24 followed by these committees is the one indicated in
25 Exhibit 672?

26 A. Yes. We have a discipline committee
27 and an appeal committee.

28 Q. Do you believe that you would be in
29 a better position than the Pilotage Authority or the
30 D.O.T. to exercise this disciplinary authority more



1 efficiently?

2 A. We believe so.

3 Q. Could you elaborate on this answer?

4 A. Well I have added to this the other
5 day that perhaps it would be preferable at the time
6 to have somebody on the discipline committee from
7 outside the Corporation itself, the corporation
8 of pilots itself, would be a committee which would be
9 more flexible, I think. We believe--we know the
10 pilots, because we live with them and we are together,
11 we work together. We could certainly have better
12 discipline on our members.

13 THE CHAIRMAN: Well, of course, you
14 know also the members of the bar know that because
15 they have their own discipline committee and the
16 discipline committee can work very well in places like
17 Montreal or Quebec but the results are not the same
18 in the rural districts where there are only 15, 20
19 or 30 advocates or lawyers so Quebec and Montreal have
20 the same suggestion, you have to have a standing
21 discipline committee.

22 Q. Did you ever think, in view of the
23 fairly considerable list of pilots who are not on the
24 assignment list, Exhibit 644, did you ever think about
25 doing like the Montreal pilots and levying some penalty
26 on the one who does not show?

27 A. Well we are not the ones who levy
28 such penalties. It is the local supervisor who deals
29 with this. I must say when Captain Allard was on duty,
30 he did an excellent job on this.



FRENCH

I mean that when somebody missed his turn, Captain Allard was asking for some explanation from this pilot who was missing, and if he had no satisfactory explanation, he was levying a penalty.

Q. Well when somebody missed his turn, can he catch up later?

A. Well it depends because in some cases the pilot was unable to catch up and take his turn back.

Q. In which case?

A. I think in pilot No.--I should know it by heart.

Q. No. 70.

A. No. I don't think it is this number. It is not 70. Number 60.

Captain Allard testified in Quebec City that he had to delete some, or had written off seven or eight turns which was a considerable penalty.

Q. The Corporation does not interfere with this?

A. Well no, we have nothing to do with this.

Q. Well the Corporation will not pay for the turns which have been lost?

A. No.

Q. Well could this be done by, for instance, a suspension allowance?

A. Well this could be but one would have to really prove that it was a suspension.



1 FRENCH

2 Q. Do you remember any suspension
3 allowance or assistance which was rejected or denied
4 by the Corporation or the Association?

5 A. No, I don't remember.

6 Q. Would this appear in your files
7 somewhere?

8 A. I think it was never denied.

9 Q. What procedure do you follow when
10 you ask for some suspension assistance?

11 A. Well the pilot makes a specific re-
12 quest. This request goes before the Board of Directors
13 which studies the case and grants it.

14 Q. If it is a question of suspension
15 assistance for drinking, you don't grant it?

16 A. No, particularly because the pilot
17 makes no such request.

18 Q. This is the last question: I am
19 showing you bulletin of October 1961, part of Exhibit
20 688. Could you look at it?

21 A. Well yes, I know very well this
22 case. I have done this.

23 Q. You have prepared this bulletin?

24 A. Yes, with the Secretary-Treasurer
25 Mr. Menard.

26 Q. Could you explain what problem was
27 involved here for the Commission?

28 A. Well it was a case of an agent in
29 Quebec who phoned us to ask if it would be possible to
30 send to Chicoutimi a vessel of the PARK type, 344 feet



1 FRENCH

2 long. I replied to this gentleman that this would be
3 something very difficult and it would be a great danger
4 or hazard to send the vessel to Chicoutimi with such
5 a size.

6 The regional supervisor, Captain
7 Gendron, at that time was over in Quebec, or did I
8 phone him? I don't remember, but I wanted to inform
9 him that we had received such a request to send such
10 a big vessel to Chicoutimi so he studied the question
11 with us and he told us--he informed us that we could
12 not, of course, refuse to go on any vessel but we were
13 there to give advice to the Captain and I went again
14 to see the agents themselves in Quebec City and to
15 explain to them the case. They told me it was
16 extremely difficult now since the cargo which was to
17 be loaded on board this vessel was from Chicoutimi.
18 I told him if the weather was extremely good perhaps
19 the vessel could reach destination but you were ~~tak~~ing
20 a great chance and that is when I informed all members
21 of the procedure they should follow if they were
22 called upon to go on board this vessel.

23 Q. Your lordship, I will now read a
24 part of the October Circular:

25 "After these specifications, if the
26 company decides to send this vessel
27 to Chicoutimi, here is what we
28 suggest you do so that there would
29 be no derogation to the regulations.
30



1 FRENCH

2 First, the pilot should go on
3 board and ask from the captain
4 what is the destination of the
5 vessel. If he needs to proceed
6 to perhaps Chicoutimi he must
7 remind that in accordance with
8 Article 20-F he is worried about
9 safety of the vessel if he
10 proceeds through the channel.

11
12 Second, if the captain insists on
13 going the pilot will get his
14 signature from him with a witness,
15 a waiver, which would waive the
16 responsibility in the case of an
17 accident. However the pilot must
18 advise to the best of his knowledge.

19
20 Third, if there is a refusal on the
21 part of the captain to sign a waiver
22 the pilot/ may then ask to be relieved
23 from his function and he will, as soon
24 as he gets off make a report to Quebec
25 City and the following pilots on the
26 assignment list will have to follow
27 the same procedure.

28 I will continue; after having taken this
29 information we must inform you it is not in your
30 interests to refuse to go on board. Your Corporation



1 FRENCH

2 thought it useful to give you this position not to
3 dictate, but simply inform you about the situation
4 which might be embarrassing if you weren't informed
5 beforehand. As a factual question do you know if
6 this vessel went up to Chicoutimi?

7 A. Well, I must specify here that the
8 channel of Chicoutimi is 250 feet wide in the turns,
9 350 -- the vessel that is 344 feet in length- I
10 don't know, I must mention here that this was discussed
11 when we met in Chicoutimi and the Harbour Manager gave
12 me something to hang on his vessel, 344 feet this
13 vessel, in fact went up to Chicoutimi with two tugs.
14 They waited for ideal weather and then they went
15 through the fence with the high tide so as not to
16 touch any rocks.

17 Q. Do you know the pilot who was
18 appointed originally to this vessel, if he had pre-
19 viously used the directives that you had suggested?

A. I would like to ask him that because I know that the
21 first pilot that was asked to go on board this vessel
22 certainly must have spoken to the captain before
23 proceeding into the channel. /These instructions that
24 you sent to your members, did they apply only in that
25 particular case?

26 A. Yes, I think it was a good idea--
27 and anyways I had spoken about it with Captain Gendron
28 who was local supervisor at that time, and discussed
29 it with him and he was quite aware of it. And anyway
30 he was in full agreement with this.



1 FRENCH

2 MR. LALONDE: My lord, I don't like
3 to stress the meaning of words but I think the using
4 of the word "directives" or "instructions" is a little
5 bit too strong.

6 MR. JACQUES: I hope that the
7 Commission will consider my expression "directives"
8 taking into account Mr. Lalonde's comments.

9 Q. Is it the first time that you had
10 an opportunity of making such suggestions to the pilots?

11 A. I think so. That is--I must add
12 here that there was another occasion when a ship
13 transitted to perhaps Chicoutimi. It was another
14 from the Imperial Oil Company. These people knew the
15 channel very well and I think I wasn't directly present
16 at the time, but I think the company sent a letter
17 to the pilots from below stating that the ship's
18 master expected to assume full responsibility if the
19 ship transitted to Chicoutimi.

20 Q. Why did you ask for the signing of
21 a waiver?

22 A. It is because we thought it would be
23 better in order to protect the pilots when a ship's
24 master released him of his responsibility.

25 Q. Do you think it would be advisable
26 for the Board of Directors of the Corporation to give
27 instructions or make suggestions to the pilots about
28 the way in which they should perform their work and
29 about risks that they must take or not?

30 A. You mean--no, we only make suggestions



1 FRENCH

2 in order to enlighten any members, I think it is my
3 duty to do that in that case, and that is why I did
4 it, that is to say we did it, the Board assumed full
5 responsibility.

6
7 Q. I didn't try to imply anything of
8 a personal order here.

9 Do you think it would be a good idea
10 if the Board of Directors of the Corporation made
11 suggestions of that type to the pilots, for
12 example, let us say this ship is too high to go upstream
13 at such-and-such a place and we suggest another thing
14 or as the case happens, for example, the ship has the
15 bridge astern and naturally would you suggest you
16 shouldn't go below such-and-such a bridge with that
17 ship?

18 A. I think so.

19 Q. Why?

20 A. Well, because the pilot is called
21 to go on board this ship and while aboard the Ship's
22 Master tells him to go to such-and-such a place and
23 naturally the pilot doesn't have time to think if he
24 is to proceed. In that case we had time to discuss
25 the matter with the Agent and the Pilotage Authority.

26 Q. Do you think the pilots as a group
27 are fully justified to establish certain regulations
28 which would become compulsory on the traffic on the
29 seaway. I would like to give you an example, for
30 example, pilots would keep the ship from going upstream



1 FRENCH

2 at Chicoutimi if the ship is such-and-such a draft
3 and such-and-such a length, and this would be binding
4 for everyone?

5 THE CHAIRMAN: Naturally, in your
6 assumption you are going far beyond what is indicated
7 in the circular letter. You are talking about an
8 official indication to the members not to go on board a
9 ship upstream in a given district.

10 MR. JACQUES: Yes, my lord.

11 A. What we should do is state differ-
12 ent cases and make suggestions.

13 Naturally, we are not empowered to tell a
14 member not to do this and to do that or not to proceed
15 to such-and-such a destination.

16 Q. Do you think it would be a good idea
17 if you were so empowered?

18 A. I can't answer that.

19 MR. LALONDE: Perhaps my
20 colleague could clarify his question. What does it
21 refer to?

22 Q. His answer.

23 THE CHAIRMAN: So it would be
24 empowered to establish regulations that would bind
25 members of the Corporation insofar as work is con-
26 cerned.

27 MR. LALONDE: Do you think the
28 Corporation should be empowered in order to establish
29 certain regulations, official regulations which would
30 be binding on the actions of pilots in most cases?



1 FRENCH

2 A. We could only make suggestions. It
3 will be to the pilots to assume their responsibility.

4 MR. JACQUES: Do you think it
5 would be a good idea if you were in a position to
6 establish regulations which would be binding?

7 A. No.

8 Q. Now, back to this subject of ex-
9 penses, even if you don't like to talk about this
10 subject.

11 THE CHAIRMAN: About expenses I
12 would like to put a few questions. I have some pre-
13 pared. Could I ask these before yours?

14 MR. JACQUES: Yes, my lord.

15 THE CHAIRMAN: I would like to
16 get back to the question of expenses because I think
17 this point should not be left in the dark. I mean
18 by that, trying to calculate expenses ---
19 Naturally expenses can vary from one pilot to another
20 for many reasons. Sometimes a pilot gets more hungry
21 than another one and everything depends, of course,
22 on a number of trips performed. I have made some
23 calculations with the figures that were presented here.
24 For calculation purposes we will take the figure
25 100 trips. We will have approximately a figure 100
26 trips. I have set down 50 trips approximately where
27 you are forced to sleep at Les Escoumains. That is
28 one or two evenings and take 3, 4, 5 meals--some-
29 times you are going to have more meals when you are
30 one night and sometimes you will have two nights and



1 FRENCH

2 less meals. You also need two taxis from the hotel
3 to the wharf. Then in a little while to Anse-Aux-Basques
4 I give you the figure of \$12. per trip at Les
5 Escoumains, staying at Les Escoumains which would make
6 about \$600 for fifty trips. Is that unreasonable as an
7 average.

8 THE WITNESS: I don't think so.

9
10 THE CHAIRMAN: I have 60 trips
11 from your home to the point of embarkation here in
12 Quebec. Those trips are not all return, both ways, so
13 we would have on the average \$180 as expenses. I have
14 taken 15 trips \$5.50 from Quebec to Les Escoumains and
15 vice-versa, in round figures \$80. You also have
16 expenses to go to Chicoutimi. How much does it cost
17 you to go to Chicoutimi per trip?

18 THE WITNESS: In order to go to
19 Chicoutimi, \$4.80.

20 THE CHAIRMAN: And to go to Port
21 Alfred?

22 THE WITNESS: Well, everything is
23 depending upon busses, my lord. There are certain
24 busses that don't establish connections and sometimes
25 we have to take a cab that costs us \$5.00.

26 THE CHAIRMAN: If you have
27 additional expenses for perhaps Chicoutimi, for
28 example, \$50.00 per year how would that be?

29 THE WITNESS: I think this would
30 be a minimum.



1 FRENCH

2 THE CHAIRMAN: It all represents
3 additional expenses aside from other trips--for
4 example, you do 15 trips from Les Escoumains and
5 also living expenses, so we will leave it at \$50.00
6 even if it is a minimum.

7 MR. LALONDE: For the trips to
8 Les Escoumains in a bus we have to calculate cab
9 costs from home.

10 THE CHAIRMAN: Yes, I have 60
11 trips from home to the embarkation point, and this
12 also includes up to the bus or to the different means
13 of transportation. If we have \$90 for incidentals
14 this gives us a total of \$1000. roughly.
15 Consequently for 100 trips this would represent \$1000
16 and an average of \$10 per trip. Aside from that, the
17 movages in the harbour where you also have transporta-
18 tion, and also some cancellations, so I have
19 \$10 per trip plus additional expenses caused by cancel-
lations and also the movages of ships within the harbour.

21 These calculations are held out to you and if you
22 like correct them.

23 THE WITNESS: If you allow me, my
24 lord, there are other items here, items that should be
25 added.

26 THE CHAIRMAN: Go ahead. That is
27 why I had put forward these figures.

28 THE WITNESS: In the fall when the
29 traffic is especially eastbound, well, we are called
30 upon to do some very fast trips, and most of the time



1 FRENCH

2 we don't wait for the bus and 4, 5 or 6 of us together.
3 and we charter a cab and come to Quebec by cab in
4 order to go on board a ship. This occurs about five
5 times.

6 THE CHAIRMAN: How much does it
7 cost?

8 THE WITNESS: \$45 to \$50 and this
9 is divided by six so it costs each and every one of
10 us \$8.00 to \$10.00. Everything is depending upon the
11 number. If there are 4 we go ahead and take a cab
12 because we can't wait for the bus during the fall be-
13 cause we will be short of pilots in the Quebec station
14 so whether we have 4 or 5 pilots in the fall we do.
15 We also have the winter trips--most of the time we
16 are sent to Les Escoumains in order to go on board a
17 given ship which has just reported or arrived. Most
18 of the time this ship is late or delayed because of
19 ice or because of stress of weather. Sometimes we have
20 to stay in the hotel at Les Escoumains for 4 or 5
21 days so this calls for additional expense. Aside from
22 that whenever we go on board in Quebec, 95% of the pilots
23 give the lunches a tip. If we get a good meal on board
24 well, we give certain tips, so naturally those items
25 are additional ones. Possibly there are others.

26 MR. LALONDE: Is the cab cal-
27 culated where you get off at Quebec?

28 THE CHAIRMAN: I have 60, I think
29 if he was going up and coming down, it is two trips.

30 THE CHAIRMAN: My lord, would the



1 FRENCH

2 cabs coming back--you have to calculate taxis both
3 ways.

4 THE CHAIRMAN: So you would add to
5 that \$150.

6 MR. JACQUES: Mr. Rousseau, you
7 said in the year 1960 you prepared some detailed reports
8 concerning your expenses for tax purposes. Is that a
9 fact?

10 THE WITNESS: I don't know if it
11 was for the year 1959 but I was called at the office
12 I was asked to give complete details or a breakdown
13 of my expenses for the current year, so I had to
14 prepare that for each ship and finally I reached a
15 figure of around \$1500.

16 Q. Do you have a copy of that report
17 with you?

18 A. No, I had enough of the whole business
19 when I gave in the report and I don't know what they
20 did with it.

21 Q. Could you find it?

22 THE CHAIRMAN: I don't know if it
23 is absolutely essential at the present time because of
24 the evidence we have at hand.

25 MR. JACQUES: My lord, I have seen
26 certain of these forms that have been prepared. They
27 are extremely detailed concerning hours as well as
28 the time of arrival, time of embarkation, time of
29 departure, not only statistics about expenses, but
30 also about duties or the work of the pilots.



1 FRENCH

2 THE CHAIRMAN: Could you consult
3 Mr. Lalonde about that and if you deem it useful well,
4 we might ask for these forms because we need the
5 complete evidence.

6 MR. BRISSET: I also suggest that
7 we be given an idea about the meaning of \$1500 for
8 expenses and what would that mean as exemption.

9 THE CHAIRMAN: I think that using
10 the annual forms provided by the Income Tax this
11 would depend upon the pilot, upon his dependents.
12 In the case I have given, the figures about a pilot
13 who has had 100 trips--naturally the one who has only
14 one trip a year, everything is reduced accordingly.

15 MR. JACQUES: Thank you, Mr.
16 Rousseau.

17
18 DIRECT-EXAMINATION BY MR. LANGLOIS:

19 Q. Mr. Rousseau, mention was made about the
20 leaves of absence and also peak months or the busiest
21 months. Could you please tell the Commission what
22 part of the week is the busiest, normally?

23 A. Normally the busiest part of the week
24 is during the week-end, especially Friday, Saturday
25 and Sunday. On a Monday everything is quiet. You have
26 the greatest number of pilots on the station, eastern
27 station.

28 Q. So you are called upon to work on
29 Sundays?

30 A. Most of the time we work during the



1 FRENCH

2 week-ends. I must say we work at nighttime more and
3 more and not the daytime.

4 Q. Mr. Jacques mentioned if to your
5 knowledge certain requests for assistance were made in
6 a case of suspension--were these requests denied,
7 requests for assistance in suspension cases?

8 A. Yes, I think that is correct.

9 Q. Does this same thing apply to re-
10 quest made for assistance in the case of illness?

11 A. I don't think we have ever denied
12 any such request.

13 Q. In the case of a pilot who would be
14 suspended for having made an abuse of the use of
15 alcoholic beverages would he be entitled to such
16 assistance?

17 A. They have no right.

18 Q. Have such requests been made in such
19 a case?

20 A. No, I don't think so, and as I
21 stated before the pilot knew his request would be
22 denied him and consequently he didn't submit a re-
23 quest. I don't recall if such a request was made.

24 Q. Mention was made about this ship was
25 supposed to go upstream to Chicoutimi and about which we
26 thought it advisable to make certain suggestions
27 to our members. You mentioned also that it would be
28 difficult to maneuver this vessel into narrow channels
29 of the Chicoutimi due to the dimensions of the ship.
30 Are there not other factors such as motor power?



1 FRENCH

2 A. Yes.

3 Q. Before making suggestions to your
4 members, if I understood you correctly you had consulted
5 with the Pilotage Authority representatives?

6 A. Yes, I had consulted with the
7 representatives of the Pilotage Authority. I even
8 contacted the interested agent and we discussed this
9 matter at length with this gentleman. He agreed with
10 me that this case wasn't a normal one and that they
11 thought a certain mistake had arisen.

12 Q. Did you not discuss it also with the
13 regional supervisor of pilotage?

14 A. Yes, the regional supervisor who was
15 then Captain Gendron.

16 Q. If I understand you properly
17 according to your evidence he was in agreement?

18 A. Yes.

19 MR. LANGLOIS: My lord, in
20 elucidation, I was consulted about this instance and
21 if I recall properly I was the one who suggested to
22 the pilots, to suggest in turn to their members to have
23 them sign a waiver form, and the object of such
24 procedure was to avoid repetition of a case which
25 occurred in the past where pilot had advised the
26 ship's master not to proceed with a given maneuver
27 and the ship's master had denied later on he had
28 received such advice from the pilot. It is known if
29 a case where pilot is alone on an ocean ship or any
30 ship with a ship's master, well then, the evidence



1 FRENCH

2 is extremely hard to get. This was the object of
3 this suggestion of having the ship's master sign a
4 waiver.

5 THE CHAIRMAN: It seems you have
6 gone beyond your first aim.

7 MR. LANGLOIS: Yes, my lord. Perhaps
8 we had in mind the case, for example--the Suez Canal
9 where certain forms of waivers are signed to involve
10 the responsibility of the Canal, and this is binding
11 in the particular case of the Suez Canal.

12 THE CHAIRMAN: Any further questions
13 on Captain Rousseau?

14 We will have a short recess.

15 ---short recess.
16
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1 FRENCH

2 ---Following short recess.

3 MR. JACQUES: Mr. Menard, please?

4
5 WILFRED MENARD, sworn

6 MR. JACQUES: My lord, before
7 hearing the evidence of Mr. Menard, I would like to add
8 to Exhibit 706 the information that we had asked for
9 for the Escoumains Station regarding ships which have
10 anchored and have waited between the 6th and the 10th
11 of April 1962. Those are two documents. The first
12 contains the names of ships, the date and the hour of
13 arrival at Les Escoumains and the date and hour of
14 departure from Les Escoumains between the 6th and 14th
15 of April and the following mention is shown on the
16 exhibit:

17 "It is possible that certain ships
18 may have anchored east from Les
19 Escoumains, but I cannot be sure."

20 This is signed by the officer in
21 charge of these stations.

22 The second list includes the name,
23 the date and the hour of arrival and the date and hour
24 of departure of ships who have waited for a pilot at
25 Les Escoumains before going upstream. These documents
26 will be added to Exhibit 706.

27
28 CROSS-EXAMINATION BY MR. JACQUES:

29 Q. For record purposes, could you please
30 state your full name?



1 FRENCH

2 A. Wilfred Menard.

3 Q. You are Secretary-Treasurer of the
4 Corporation of pilots and of the Association of
5 Licensed Pilots and also the Corporation Pension Fund?

6 A. Yes.

7 Q. Is there a system at the present
8 time, any system according to which the pilots are
9 reimbursed for part of their travelling expenses by
10 the Corporation?

11 A. For pilotage purposes?

12 Q. Yes?

13 A. No, they do not exist. Well this
14 system has existed until 1960.

15 Q. Until the inception of the
16 Corporation?

17 A. Yes.

18 Q. Could you please briefly explain how
19 this system worked before the year 1960?

20 A. Before 1960 the Corporation re-
21 imbursemented the pilot the expenses for train, from Quebec
22 to Father Point only and not the expenses, travelling
23 expenses from Father Point to Quebec.

24 Q. On what basis was that established?

25 A. It was a set amount of \$8.00 and the
26 same thing applied for Quebec to Chicoutimi or Port
27 Alfred but in this case I think the amount set was
28 \$10.00. They also paid the pension expenses at Port
29 Alfred and not at Father Point. By that I mean the
30 room and board.



FRENCH

Q. This system was abolished?

A. Yes.

Q. Thank you.

CROSS-EXAMINATION BY MR. LALONDE:

Q. Mr. Menard I would like to show you Section 3 or 4 of the brief submitted by the Federation of the St. Lawrence River Pilots, Exhibit 671. I notice at the beginning of this paragraph it states, or rather it reads as follows:

"At the annual meetings, at the end of the 1960, 1961 and 1962 fiscal years, the number of members present at the meeting of the Corporation of the Federation of the St. Lawrence River Pilots from the Corporation of the Lower St. Lawrence Pilots was 1960, 51 out of 65. 1961, 52 out of 71 and then the year 1962, 61 out of 71".

Are the figures shown on the Corporation of the Lower St. Lawrence Pilots, were they checked by yourself?

A. Yes.

Q. And these figures are in accordance with the figures that you have determined by examining the minutes of your Corporation?

A. Yes.

Q. When you refer to the year 1960,



1 FRENCH

2 what does that mean?

3 A. Well this is the meeting on the
4 second Wednesday of January in the year 1961. That
5 is the end of the fiscal year.

6 Q. In 1961 before the meeting of 1962
7 and then the same thing would apply for the following
8 year?

9 A. Yes.

10 THE CHAIRMAN: Any further questions
11 of Mr. Menard?

12 Mr. Brisset, didn't you have any
13 questions to ask Mr. Menard yesterday regarding the
14 notices of meeting, where they had been sent for the
15 years 1961, 1962 or 1963 for the general annual
16 meeting or the special meeting?

17
18 CROSS-EXAMINATION BY MR. BRISSET:

19 Q. Mr. Menard you were here yesterday
20 when questions were asked about the annual meeting of
21 the pilots, members of the Corporation held in January
22 1963?

23 A. Yes.

24 Q. You will remember that the
25 nomination of different directors had been mentioned.
26 Are you in a position to tell me if the bulletins sent
27 by the members offering certain candidates or making
28 certain suggestions for the nomination as President
29 included also other names aside from that of Captain
30 Rousseau?



FRENCH

A. For the Presidency there was only the name of Captain Rousseau which had been proposed and for the Vice-Presidency there was Mr. Michel Dussault and for the four other positions of Directors there was Roger Gregoire, Roger Fortier, Jean Louis Latulippe and Vilandre Lafleur. Now naturally there were only two vacancies as administrators.

Q. Insofar as the presidency was concerned, how many nominations had been sent by the members to the Nomination Committee? Insofar as the presidency was concerned how many bulletins had been sent by the members of the Corporation to the Nominations Committee to nominate Captain Rousseau as candidate?

A. Only one bulletin in accordance with the bylaws of nominations.

Q. For vice-presidency how many bulletins had been sent by the members?

A. Only one.

Q. In the case of the presidency who were the two members supporting this nomination?

A. I am sorry, I do not have my records here but I certainly could give you the information.

Q. Could you please give me the same information for the vice-presidency?

A. I could certainly give you the same information because the record of the nominations is at our office in Quebec. I certainly could obtain it quite easily.



1 FRENCH

2 Q. Could you please give this in-
3 formation, insofar as the four open positions within
4 the Board are concerned through a letter that will be
5 addressed to the Secretary of the Commission. This
6 document could be filed my lord as Exhibit 719.

7
8 ---EXHIBIT NO. 719: Letter addressed to the
9 Secretary of the Commission
10 giving information from Mr.
11 Menard.

12 Q. Could you please add to your letter,
13 or attach to your letter a photostat copy of that
14 bulletin in all cases?

15 A. In the case of the six bulletins.

16 Q. Before the election that was held at
17 the meeting in 1962?

18 A. It was held at the beginning of the
19 year 1963.

20 Q. You mean the election for the year
21 1963?

22 A. Yes, for the last annual meeting.

23 THE CHAIRMAN: Thank you Mr. Menard.

24 MR. JACQUES: With the permission
25 of the Commission we will suspend the evidence of
26 witnesses of Quebec until tomorrow morning and we will
27 now resume with Montreal witnesses.

28 Mr. Melanson please?

29 JEAN MELANSON, Sworn

30 DIRECT EXAMINATION BY MR. JACQUES:

Q. Give me your name and Christian name?



1 FRENCH

2 A. Jean Melanson.

3 Q. You are the local supervisor of
4 the Montreal District of Pilotage?

5 A. Yes.

6 Q. I am showing you a document entitled
7 "Final List of Leave or Rest Periods for the Montreal-
8 Three Rivers Section for the month of July." We had
9 asked you to bring with you this document. I would
10 like to file this document as Exhibit 720 entitled
11 "Final List of Rest Period for the Navigation Season
12 1963 Section Montreal-Three Rivers and section Quebec
13 City-Three Rivers." I would like to withdraw this
14 number your lordship because this has already been
15 filed as Exhibit 569. I am showing you now a document
16 which has been issued by your office. Would you please
17 describe this document?

18 A. This concerns pilots, pilots of
19 the Montreal harbour and indicates the rest periods for
20 the present season of navigation.

21 Q. Well I would like to file this
22 document as Exhibit 720.

23 THE CHAIRMAN: Well 720 was already
24 used.

25 THE SECRETARY: 720 has been with-
26 drawn.

27
28 ---EXHIBIT NO. 720 : Rest periods for Montreal
29 Harbour Pilots for the year 1963.

30 Q. Could you explain to the Commission



1 FRENCH

2 what is included in this list beginning with the
3 left-hand column?

4 A. The left-hand column indicates the
5 name of pilots followed by the date of the rest days
6 which are granted to them each month.

7 Q. When was this list prepared?

8 A. Before the opening of the navigation
9 season by the committee who prepares the list and
10 brings it to me at the office for acceptance.

11 Q. Well you refer to the Committee of
12 Montreal Harbour Pilots?

13 A. Yes.

14 Q. Apart from these leaves mentioned
15 in this Exhibit 720, do the pilots in Montreal get any
16 other leave?

17 A. No, not to my knowledge, unless there
18 is something very special.

19 Q. I am now showing you another document
20 which seems to have been issued by your office. Could
21 you describe it please?

22 A. Well this concerns the corporation
23 of pilots of the district of Cornwall and they are
24 indicated like in other documents. This shows the
25 rest days of pilots of this district.

26 Q. I would like to file this as
27 Exhibit 721.

28
29 ---EXHIBIT NO. 721: The days of leave of the pilots
30 of the Cornwall District for
the year 1963.



1 FRENCH

2 Q. I think that here we have weeks
3 rather than days?

4 A. Yes.

5 Q. To your knowledge did the pilots
6 of this district enjoy any other leave or holiday
7 period than this?

8 A. No.

9 Q. Who prepared this list?

10 A. It's again the Committee which
11 brought it to me for approval.

12 Q. To your knowledge has it ever
13 happened that you did not approve these leave lists?

14 A. No.

15 Q. Do you remember during the last
16 audience there was reference to the THORS CARRIER.
17 Did you complete your enquiry into this case?

18 A. Well it was the case of a pilot who
19 has been refused twice in the same day?

20 Q. Yes?

21 A. I did my utmost to get a report from
22 the captain of the vessels and unfortunately the first
23 report which was presented from the THORS CARRIER left
24 some doubt, as it was demonstrated later and for the
25 second, the vessel having already left, it's the agent
26 from whom I requested the report who sent me a letter
27 on the subject.

28 I then questioned the personnel on
29 duty and I obtained from each of them, there were two
30 of them, their report on the situation and I asked



1 FRENCH

2 the pilot to come to my office. I questioned him and then
3 I presented my report to the regional superintendent
4 who sent it to the Department.

5 Q. Well what was your conclusions then?

6 A. The Department did not see this
7 report as really definite or final and asked us to ex-
8 tend the enquiry and to try to find some statements
9 which would be more positive for the witnesses con-
10 cerned. After I went with the regional superintendent
11 to the return of the second vessel, the STERNO and
12 there we got testimony from the Captain and the radio
13 officer. This was sent to the Department a few days
14 ago.

15 Q. Your investigation is not completed?

16 A. Well the THORS CARRIER that was
17 mentioned before must come back in a few days, the
18 latest the 10th October.

19 Q. Still in July we refer to the phrase
20 "reported time" on Exhibit 556 which is the pilotage
21 form. At the time it was shown that pilots among
22 themselves and the Pilotage Authority had not agreed
23 on the time which must be shown as reported time
24 according to the time that the pilot must be on board
25 or the time at which the vessel leaves the berth or
26 dock.

27 Was there any discussion?

28 A. Well I have received some instructions
29 from the superintendent of pilots, Captain Jones,
30 asking me to advise all pilots from Cornwall, Montreal



1 FRENCH

2 and district of Montreal about the final way this
3 pilot source form should be filled.

4 Q. What was the way you selected?

5 A. I sent a circular letter to all
6 pilots asking them to fill in this form and giving
7 them all the explanations. You mentioned earlier the
8 reported time, the time was put in brackets. I asked
9 them to please indicate the time which the pilot was
10 supposed to be on board the vessel and not the time
11 that the office was phoning him.

12 Q. Well if a ship owner telephoned at
13 2 o'clock this afternoon and asked for a pilot for 5
14 o'clock this afternoon, into the ordered time you
15 show 5 o'clock?

16 A. Yes.

17 Q. And into the column "reported time"
18 what time will you ask them to insert?

19 A. Well following your example, if a
20 ship owner asked a pilot for 5 o'clock and the pilot is
21 on board 15 minutes earlier, that is at 4.45, it's 4.45
22 which will be shown as reported time because time
23 again is shown between brackets and it's what time he
24 is reporting on board.

25 Q. What was the reaction of pilots to
26 this circular letter?

27 A. Well the reaction was this--I
28 didn't see the letter which was sent by the Montreal
29 Pilots Committee to its members, but I think that two
30 days after receiving the circular letter they sent



1 FRENCH

2 another circular asking them to fill in the pilots
3 source form as they used to do before, but I didn't
4 see it.

5 Q. Well this would mean, therefore,
6 contrary to instructions?

7 A. Well I think there was some mis-
8 understanding at the beginning when we explained with
9 the general assembly of pilots the way of filling the
10 pilots sourceform in. It was new. Everyone brought
11 a new idea and it was not very clear at the time.

12 Q. The circular, or the letter from
13 pilots, would you have a copy at your office? Could
14 you bring it?

15 A. Yes, certainly.

16 THE CHAIRMAN: When you are speaking
17 of the circular letter, you are speaking of the letter
18 from Captain Allard to the Committee of Pilots?

19 Q. Excuse me your lordship, I just got
20 the circular coming from the superintendent. Mr.
21 Melanson is this the letter that you sent?

22 A. Yes.

23 Q. I would like to file it as Exhibit
24 722.

25
26 ---EXHIBIT NO. 722: Circular of 13th July 1963
27 sent by the Supervisor of the
28 District to all pilots
29 concerning the procedure to be
30 followed for indicating the
times in the column Ordered Time,



1 FRENCH

2 Reported Time and Sailing Time.

3 Q. You have mentioned earlier a document
4 which emanated from the Corporation or Association
5 of pilots. Would you have it at your office?

6 A. No sir. As I said two days later
7 I thought that the members received a letter from the
8 Committee but I have not seen that letter. I just
9 heard about it.

10 Q. Well your evidence was left aside,
11 when we spoke about the assignment list of Montreal
12 harbour pilots. I think that you have explained how
13 you were preparing this list. Now could you tell us
14 exactly when these pilots are recruited by the ship
15 owners there seems to be misunderstanding as to when
16 you do, the pilots of the river do the docking and
17 when the Montreal harbour pilots do the docking. Could
18 you explain to us the distribution of function between
19 pilots of the river and the harbour pilots?

20 A. Well any river pilot who goes up-
21 stream in the St. Lawrence and docks directly on arrival,
22 there is no problem. The river pilot docks the ship.

23 Q. Well the river pilot who goes up-
24 stream is going to dock in Montreal. He does the
25 docking?

26 A. Yes.

27 Q. If the vessel leaves the Montreal
28 dock to go downstream, who does the maneuvering?

29 A. It's the river pilot. It's the
30 same pilot who would bring the vessel at destination



1 FRENCH

2 in Three Rivers.

3 Q. Well the Montreal harbour pilot,
4 what does he do?

5 A. Movage from berth to berth or dock
6 to dock.

7 Q. And when a vessel goes out of the
8 seaway and goes downstream to Quebec City who takes
9 the responsibility of the vessel coming out of the
10 seaway?

11 A. Well the river pilot.

12 Q. And if the vessel is docked, goes to
13 dock in Montreal?

14 A. Well it's the pilot, the river pilot.

15 Q. No, going downstream?

16 A. Well it's the harbour pilot.

17 Q. So the pilots do the docking and if
18 some goes upstream and goes directly to the docks and
19 do the departure, the maneuvering when the vessel
20 leaves the dock downstream, so the Montreal harbour
21 pilots do only the movage from dock to dock or berth
22 to berth?

23 A. Yes.

24

25

26

27

28

29

30



1 FRENCH

2 Q. And movements from the berth to the
3 entrance to the seaway?

4 A. Yes.

5 Q. So could you now explain to the
6 Commission what happened at the time of the subdivision
7 of the district? Before there was only one district,
8 being Montreal to Quebec City.

9 A. Yes.

10 Q. Could you explain to us when the
11 subdivision occurred?

12 A. Well, I think it was 1957.

13 Q. Do you remember the consultations
14 which took place between the Pilotage Authority and
15 the pilots concerning the subdivision?

16 A. No.

17 Q. Would there be any documents in-
18 dicating the reasons for the subdivision?

19 A. I must have in my files some corres-
20 pondence on the subject prior to the complete subdivision
21 of the two sections in the same district. We had
22 some problems with the pilots getting off a vessel at
23 Three Rivers after a certain number of hours on board
24 a vessel who after some rest, a certain number of
25 hours, seven hours, six or seven hours--if it was more
26 than seven hours between Montreal and Three Rivers he
27 could get off the vessel and take another vessel later.
28 If it was less than seven hours he had to stay on
29 board and proceed.

30 Q. How was the selection of pilots



1 FRENCH

2 done, assigning them to one subdivision rather than
3 another?

4 A. Well, it was up to the association
5 to divide the pilots into two sections using the
6 seniority list.

7 Q. You had nothing to do with it?

8 A. No, the pilots did it themselves,
9 and made some proposals to the Pilotage Authority.

10 Q. Subsequent to the subdivision of the
11 district did you receive any complaints from pilots of
12 ship owners?

13 A. No.

14 Q. Did you participate in the establish-
15 ment of the Quebec, Montreal harbour pilot scheme?

16 A. Yes.

17 Q. Could you give us some historical
18 background on this?

19 A. Well, I think that the harbour pilots
20 came into being after some difficulties that we had
21 to find river pilots which were doing movages
22 in Montreal harbour. The hours were long when the
23 pilotage was done from Quebec City to Montreal.
24 The pilots wanted to get some rest before making another
25 trip and since the traffic was fairly heavy very few
26 of them had time to do any movages in the harbour.
27 They preferred to get some rest and at the dispatching
28 office we had all kinds of trouble to find pilots to
29 do movages, and that is the way we started establishing
30 the Montreal harbour pilots.



1 FRENCH

2 Q. Who took the initiative?

3 A. Well, I think the pilots, the
4 Montreal Pilots Committee took that initiative.

5 Q. How were these new pilots recruited?

6 A. The Department asked for some
7 applications outside, from outside and there were a
8 number of applications received I think with the
9 office of the shipping federation--we have reviewed
10 these applications and passed on certain standards
11 to establish that during some meetings then we made
12 a choice for the Montreal harbour pilots.

13 Q. Do you remember the qualifications
14 required?

15 A. Well, I think it was the captain
16 who had some experience.

17 Q. Foreign-going captain?

18 A. Well, one or the other, but with
19 experience as a captain.

20 Q. Well, did they follow an apprentice-
21 ship, some apprenticeship?

22 A. Well, there were three at the
23 beginning. There were three at the beginning which
24 the Committee considered knowing enough of Montreal
25 harbour and having enough experience that they could
26 start immediately as pilots and the others had to
27 take some training.

28 Q. Do you remember the conditions
29 which were offered to these people who had to get
30 some training? Were they paid?



1 FRENCH

2 A. Well, they were paid by the
3 Corporation which was giving them a salary, I think.

4 Q. The Montreal Corporation?

5 A. The harbour pilots themselves, their
6 own income.

7 Q. Do you remember what was the
8 duration of this period of apprenticeship?

9 A. Well, since they were experienced
10 captains the apprenticeship period was two or three
11 months with some training period on board the tugboats
12 in the Montreal harbour. I don't remember if the
13 Shipping Federation had the opportunity as motivated
14 to the salary of pilots during their training period.
15 I would have to check in my records.

16 Q. Have you attended the examinations
17 of these pilots?

18 A. Yes, at the beginning.

19 Q. What kind of examinations did they
20 they pass?

21 A. Well, there was a regular examination
22 of all the currents in the Montreal harbour and
23 various docks, approaches to the various docks.

24 Q. During all this were there any
25 applicants which failed in their examinations?

26 A. Well, I think there was one who was
27 requested to do an additional training period, one
28 month, I think.

29 Q. From the discipline point-of-view,
30 could you explain the procedure that you follow in



1 FRENCH

2 the cases of discipline? You gave an example this
3 morning. Is it always the same procedure you follow?

4 A. In disciplinary cases I always ask
5 the pilot concerned to please come to my office and
6 give some explanation.

7 Q. Does this happen sometimes that a
8 pilot comes to your office who refuses to answer a
9 question?

10 A. No. First I ask the pilot to come
11 to my office and if I see after a while that he
12 doesn't want to come to my office, well then I delete
13 him from the list until he comes.

14 Q. But sometimes does a pilot come to
15 your office and refuse to answer questions?

16 A. No.

17 Q. What do you tell him?

18 A. I explain to him that I had a com-
19 plaint and I want some explanation of what happened.

20 Q. If you have some detailed version
21 of the incident or accident do you inform him?

22 A. Well, yes, I inform him of what he
23 is accused of and according to the importance of the
24 fact I prepare a report of his replies and I submit
25 that to the Authority, if necessary.

26 Q. Do you sometimes get a report back
27 from the captain of a vessel on the conduct of a pilot?

28 A. No I don't remember.

29 Q. Well, the complaints you get, is it
30 orally or in writing when you make your investigation.



1 FRENCH

2 A. Well, the complaints I get mostly
3 are on internal subjects. It is not concerning the
4 vessels. Generally it is internal administration.
5 Concerning the vessels, I never get a complaint from
6 a captain.

7 Q. Except the case mentioned this
8 morning?

9 A. Yes. Well, this one is still under
10 study.

11 Q. Do you get these complaints in writing?

12 A. Well, these are complaints either
13 from the Quebec office or the Three Rivers office or the
14 Montreal office.

15 Q. What do these refer to?

16 A. Well, the pilot didn't come to his
17 turn or missed his turn or had some vessel delayed
18 four or five minutes because he was late or got some-
19 times too early, wasn't there on time because the
20 vessel docked 15 or 20 minutes earlier, or the
21 calculation was wrong or the vessel went faster than
22 the pilots thought.

23 Q. Regarding the discipline, did you
24 have an opportunity to attend the investigation held
25 by an officers department in the case of a Maritime
26 accident, collision?

27 A. No.

28 Q. You don't even if there was an
29 important accident?

30 A. Well, in those cases the pilots



1 FRENCH

2 come to my office and I am helping the pilot in
3 preparing his report, and I would have it typed and
4 I would send the report to the Department, and then
5 we would see if an inquiry was necessary.

6 Q. Are you aware of the difficulties
7 of the docking of ships at the entrance to the St.
8 Charles River when you have a flood tide?

9 A. No.

10 Q. Did you hear about that in Montreal?

11 A. Well, I heard a little about it.
12 Captain Catinus talked to me about it, but I am not
13 aware of that problem in Quebec.

14 MR. JACQUES: Thank you.

15 My lord, I would like to call back Mr.
16 Melanson later on when we are on to Cornwall and when
17 the superintendent of Cornwall will be here because Mr.
18 Melanson takes care of the dispatching of pilots at
19 Cornwall.

20 CAPTAIN SLOCOMBE: If I may correct
21 one statement before we get too far away: It was the
22 Shipping Federation who paid the probationary pilots
23 in the Montreal harbour while they were training, in
24 the initial opening of the group.

25 THE WITNESS: I think I mentioned
26 I wasn't sure. Thank you very much.

27 MR. LALONDE: Could we ask
28 Captain Slocombe which year he refers to. My
29 understanding is that the Shipping Federation paid
30 for the first year and the second year the Pilots



1 FRENCH

2 Corporation paid their own. That will be for 1960.
3 My understanding is they were paid by the Shipping
4 Federation at the rate of \$10.00 up to 1959 and in
5 1959 they were paid by the Corporation of Pilots.
6 I will establish this by witnesses later on.

7 THE CHAIRMAN: Right.

8
9 CROSS-EXAMINATION BY MR. LALONDE:

10 Q. You have produced lists of leaves
11 for different districts. Could the pilots be on call,
12 subject to be called during these periods?

13 A. If it was an emergency well we could
14 call any pilot on leave.

15 Q. I notice in the Montreal harbour,
16 for example, you have approximately two days per week.

17 A. Yes.

18 Q. Does it ever happen you call on the
19 pilots on those two days?

20 A. In the Montreal harbour this is a
21 frequent occurrence.

22 Q. Now, in the Cornwall District I
23 notice there is a week's leave between June 28th and
24 September 6, 1963. Does that represent one week per
25 pilot?

26 A. Yes, it is one week per pilot per
27 year.

28 Q. Concerning the subdivision of the
29 districts in two sections, in Three Rivers you spoke
30 of the case of a ship that took more than seven hours.



1 FRENCH

2 Is it not a fact, moreover, that all the lakers
3 who were taking pilots would change pilots at
4 Three Rivers because the regulations for those ships
5 would take more than seven hours.

6 A. Yes, all the lakers took more
7 than seven hours.

8 Q. Wasn't the regulation that lakers
9 and ocean going ships taking more than seven hours had
10 to make the change-over of pilots at Three Rivers?

11 A. Yes, for all the ships.

12 Q. Are you quite sure that there
13 were three harbour pilots who started immediately
14 their service without any apprenticeship whatsoever at
15 the beginning?

16 A. Well, it goes back quite a long
17 while ago, but it seems to me that at the outset there
18 were three pilots who started working immediately.

19 Q. This circular from Captain Jones
20 which you have received and pursuant to which you
21 sent your own circular on July 30, 1963 concerning
22 this reported time, did you have any consultations
23 about that with the pilots, the local pilots committee.

24 A. No.

25 Q. To your knowledge did Captain Jones
26 contact the pilots about that?

27 A. I don't know. I can't tell you.

28 Q. Was it the first notice since the
29 establishment of these changes--I am sorry--did that
30 constitute the first written notice sent to pilots



1 FRENCH

2 concerning the filling out of these pilot source forms
3 since the establishment of these new pilot source forms
4 in the winter of 1961, 1962.

5 A. I think so. I think it was the
6 first notice because as I mentioned previously it was
7 at a general meeting of the pilots which was being
8 held at the Chateau Frontenac at Quebec by Captain
9 Gendron, Mr. Maheux and myself--and we explained to
10 the pilots exactly how to fill them out.

11 Q. All this explanation had been done
12 orally?

13 A. Yes, at the general meeting.

14 Q. If I am not mistaken all these forms
15 are kept for statistical purposes?

16 A. These forms are kept, first of all,
17 to ask for pilotage fees.

18 Q. You are right.

19 A. And they are used to
indicating hours in order to establish statistics.

20 Q. Do you think it would be advantageous
21 to change in the middle of the season the way of
22 calculating these statistics?

23 A. Well, this matter of statistics,
24 I mean has two elements, for example there are
25 statistics which are held by the DOT and the other by
26 the group. Even though I have indicated on the cir-
27 cular, it doesn't change the fact that the DOT--
28 what the DOT calculates insofar as hours are
29 concerned. It isn't a procedure presenting the facts
30 and insofar as we are concerned it boils down to the



/mz

1 FRENCH

2 same thing.

3 Q. My friend asked you certain questions
4 concerning ~~disciplinary~~ matters. In all cases of
5 discipline before levying a penalty do you
6 refer the case to Ottawa?

7 A. No.

8 Q. Ever since when?

9 A. Ever since last year.

10 Q. What have been the reasons for such
11 a change in policy? Do you know the reasons for the
12 change of policy?

13 A. No.

14 Q. Would that change in policy--has it
15 been mentioned to you in writing?

16 A. No, not in writing.

17 Q. How were you told about this change?

18 A. Well, I learned about this change
19 when I received the amended bylaw where I found out
20 that the penalty that I could levy which had been
21 restricted to \$40.00 or limited to \$40.00 had been
22 taken off the By-Laws.

23 Q. Did you have an opportunity of
24 recommending certain sanctions against certain pilots
25 for absences which weren't motivated?

26 A. Yes.

27 Q. Did you receive answers from Ottawa
28 concerning the recommendations you sent to them?

29 A. Last year I had a certain case where I
30 received an answer not to levy afterwards.



1 FRENCH

2 Unfortunately, I had another case in the month of
3 April where a pilot missed his turn, so I called him
4 to my office and submitted a report to the Department
5 at the end of April recommending a penalty, but un-
6 fortunately I haven't received any answer as yet.

7 Q. Would you be in a position to give
8 evidence in order to tell us if pilots were having
9 certain trouble maneuvering around the St. Lambert
10 locks when going on board ships or getting off ships?

11 A. At the present time I think that
12 the situation has improved. Recently gate-
13 keepers have been appointed following threats that
14 would have been received by the Seaway authorities
15 to the effect that certain bombs would be put there,
16 and of course these gatekeepers are there in order
17 to perform a certain type of work, and I think that
18 certain pilots had certain trouble with identification
19 but at the outset--the opening of the seaway we had a
20 little trouble, but this situation had improved, and
21 of course certain pilots refused to identify them-
22 selves after these gatekeepers were appointed.

23 Q. I would like to ask you a few
24 questions concerning the enforcement, concerning the
25 Section of the Canada Shipping Act that any ship
26 taking a pilot on board must take a licensed pilot
27 if he wants to have a pilot on board. What super-
28 vision exists about that at the present time in the
29 administration of pilotage on a local basis?

30 A. In those cases members of the



1 FRENCH

2 Committee submit us a report that a given ship has
3 passed in the district and hasn't taken a pilot on
4 board.

5 Q. What Committee do you mean?

6 A. Well, the Pilots Committee of the
7 Cornwall district.

8 Q. When you say Committee you mean
9 Pilots Committee?

10 A. Yes.

11 Q. Does the DOT do a certain amount of
12 supervision independently from your reports that may
13 be sent in by the Pilots from time to time? Let us
14 suppose, for example, a laker decides to take on board
15 an additional member of its crew and then disembarks
16 him at the end of the trip and within the district and
17 so forth. Do you have any means of checking such a
18 practice if it does exist?

19 A. No, not to my knowledge.

20 Q. Did you recently have the opportunity
21 of noticing that such a practice would be in existence?

22 A. In the Cornwall Pilotage district
23 the president, Mr. Peerless came to see Captain
24 Catinus and mentioned representations to the effect
25 that certain American ships were passing in the
26 district and were reaching Montreal with American
27 pilots on board.

28 Q. Did you have an opportunity of
29 making an investigation about that?

30 A. Upon the request of Captain Catinus



1 FRENCH

2 a few weeks ago I went in the evening when an
3 American ship was coming upstream to the lock at
4 one o'clock in the morning and I saw a man get off
5 a taxi and Mr. Peerless said here is one, this is
6 Crawford, so, of course, Mr. Crawford went to the
7 gate for identification purposes presenting himself as being
8 an authorized pilot and of course for him--for the
9 gatekeeper this identification was enough to let him
10 go on the locks, so he went to the centre of the lock
11 at the office, lock No. 1 put his bag up
12 next to the wall and went for a walk at the tip of
13 the lock waiting for the ship to enter and Mr. Peerless
14 and I--we could see the tag on the bag which in-
15 dicated that it was Crawford's bag.

16 Q. On what ship did he go?

17 A. On board the ARTHUR ANDERSON.

18 Q. Did you have an opportunity of
19 talking to Mr. Crawford at that time?

20 A. No, I didn't speak to him that
21 night.

22 Q. You saw him go on board the ship?

23 A. No.

24 Q. Did the American ship pick up a
25 Canadian pilot?

26 A. No.

27 Q. Were you aware of other cases where
28 such practices would have occurred?

29 A. On the next night there was another
30 American ship, the LEON FRASIER going upstream on the



1 FRENCH

2 St. Lawrence and in the morning I went to Lock No.
3 1 once again accompanied by Mr. Peerless and later on
4 I saw another gentleman getting out of a car with a
5 ~~pail containing trouts~~ of the river. He went into
6 the gatekeeper and he presented a card of the seaways
7 signed by Heureux and introduced himself as the pilot
8 coming to take an American ship.

9 Q. Did you say that he was coming to
10 get an American ship?

11 A. Yes, because the gatekeeper, if
12 somebody introduces himself as a pilot, he asks what
13 ship, and this one said the FRASIER. When he came to
14 the gate--that is the answer that he gave, that he
15 was coming to take an American ship, so he indicated
16 to me that the gentleman standing there was the one.
17 This is the report I sent to Captain Catinus, who in
18 turn sent it to the DOT.

19 Q. Do you know if certain investigations
20 were made by the DOT before that?

21 A. Well, I read of such investigation...
22 It was the case of a Canadian who was doing some
23 pilotage for a company, and this case was sent to
24 court.

25 Q. Do you know what sentence was
26 rendered?

27 A. Well, I heard about the sentence.
28 I think it was \$25.00 plus costs.

29 Q. Would it be possible to get that
30 decision or the ruling from the records of the DOT?



FRENCH

A. I think so. The DOT must certainly have it. I don't have it in my office.

THE CHAIRMAN: Did it happen at Montreal court?

THE WITNESS: Yes, I think Mr. Brisset was present then.

MR. BRISSET: Well, I was defense counsel. The court had suggested a penalty I think \$1.00 or \$10.00 and I suggested that this penalty be increased to \$25.00 in order to allow for appeal.

THE CHAIRMAN: Did it go to appeal?

MR. BRISSET: We finally decided against it so we paid the \$25.00 penalty. The ruling rendered by Judge Legrand was an oral ruling and it was based on the point that the captain had not signed the Articles before going on board.



1 FRENCH

2 This was an offense of a technical nature.

3 MR. JACQUES: Did he at one point
4 or another sign the articles?

5 MR. BRISSET: No, not at all.

6 THE CHAIRMAN: The last part of
7 the answer of Mr. Brisset is the following : If he
8 had signed them, then there wouldn't have been any
9 offense whatsoever.

10 MR. LALONDE: Do you know if there
11 is in Ottawa a staff whose main responsibility is to
12 make investigation about that?

13 THE WITNESS: I don't know. I am
14 not aware.

15
16 CROSS-EXAMINATION BY MR. LANGLOIS:

17 Mr. Melanson concerning these
18 Americans piloting ships, at one point or another
19 wasn't a request made to the Mounted Police to make
20 an investigation about these cases?

21 A. You want to speak about the two
22 cases I mentioned previously?

23 Q. No, any other cases aside from those?

24 A. I think into the cases I mentioned
25 before, I think that the Canadian Mounted Police had
26 met the pilots.

27 Q. Did you obtain a report about that?

28 A. No.

29 Q. Were there any other cases where the
30 Mounted Police of Canada would have refused to make an



FRENCH

investigation about a complaint?

A. No. In the last two cases I talked about beforehand concerning the American ships, I contacted the Canadian Mounted Police and they did not want to take any steps. I don't know for what reason, so I did not ask them to take any steps. I asked them only to help us out by asking questions to the American pilots. I would have liked them to ask them the following questions: Are you an American? Are you an American citizen? You come in to get a ship? but they did not want to mingle in that affair.

Q. Did they give you any reason?

A. They didn't want to meddle with that.

Q. As regards pilotage by a river pilot when a ship comes to Montreal, in order to bring that ship to dock what happens before the ship is to be taken to its destination or berth?

A. Before passing to Cap San Michel which is the last station to report, well the pilot knows that he must anchor there and either by radio-telephone or by giving certain signals to Cap San Michel, signals which are transmitted immediately to the dispatching office, he can ask to be replaced and even if the ship is anchored only 5 or 10 minutes, we send a pilot to replace him.

Q. This is for an anchorage which is foreseen. What would happen in a case where an anchorage was unforeseen? What would happen if the



FRENCH

Harbour Master may not ask a ship to anchor before coming to berth?

A. Then we cannot ask a Harbour pilot, to replace him. Then it is up to that river pilot to anchor, then to finish his trip.

Q. You mentioned Mr. Melanson also you were going to meetings of the Committee which was acting to select pilots for the harbour?

A. At that time I was the superintendent of pilots.

Q. You were a member of that Committee?

A. Yes, then.

Q. Mention was made also about this change-over of pilots in Three Rivers, when this regulation about seven hours was in existence. Is it not a fact that with the exception of lakers that this was not a strict rule but it was up to the pilot to ask to be replaced?

A. Well of course if the pilot, knowing that it would have taken him more than seven hours from Quebec to Three Rivers, and if he wanted to go on to Montreal, he did not ask to be replaced, and he did not make the necessary signals, he proceeded forth.

Q. This means that the pilot had an option to go on or stop?

A. Well the one who was sure to take him more than seven hours, he could be replaced by making the necessary signals.



1 FRENCH

2 Q. Concerning this rest period, are
3 there any rest periods during which a pilot cannot
4 be called?

5 A. No, none whatsoever. In the case
6 of emergency we can always call back any pilot, back
7 on duty.

8 Q. In these cases of rest, is a pilot
9 supposed to leave an address and phone number where
10 he can be reached?

11 A. Yes, at all times. If it would
12 happen we would phone him and could reach him, unless
13 that pilot was travelling around, or even in that
14 case, I am sure that certain pilots would work a
15 little harder. There wouldn't be any stoppage of
16 work whatsoever.

17 Q. He must leave his phone number?

18 A. Yes, normally.

19 Q. I get on to the investigation about
20 the pilot who was refused. You mentioned him in the
21 course of your evidence. You have stated that you had
22 gone on board one of these ships in order to make a
23 fact-finding investigation and I would like to know
24 if the pilot was present at that investigation when
25 you went to question?

26 Q. No. Captain Catinus and I, and the
27 secretary went on board in order to ask the Ship
28 Master and the mates to relate the facts as they
29 occurred and it was not our purpose to accuse anyone.
30 We just wanted to know the truth of the facts as they



FRENCH

occurred.

Q. And the pilot was not there?

A. No.

Q. And after having asked the Ship's Master to relate these facts, was a recording made of that?

A. Yes, the secretary recorded that, and that testimony was typed and then signed by the Ship's Master.

Q. Was that done under oath?

A. No.

MR. JACQUES: I would not like to object unduly, but this investigation is still pending. My colleague made certain reproaches when mention was made of one other investigation that was sub judicea. I think he may take count of this aspect when he questions the witness.

Q. Naturally I only want to find out exactly how this testimony was obtained and I did not want to go into any further details.

A. Well we went on board in order to ask each and every one to tell us about the facts as they occurred, as they should have been able to relate them to us in writing, as they should have done.

Q. Was the agent there when the Ship Master was questioned?

A. No.

Q. Thank you.

THE CHAIRMAN: We are going to



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1 FRENCH

2 adjourn your cross-examination Mr. Brisset until

3 2.30 this afternoon.

4 ---Luncheon adjournment.

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MR/RPS 1 ---UPON RESUMING AT 2:30 P.M.

2 French

3

4 CROSS-EXAMINATION BY MR. BRISSET (CONTINUED):

5 (THROUGH THE INTERPRETER.)

6 Q. The court might be interested to have
7 more details concerning the complaint which was referred
8 to this morning which had been filed against a vessel
9 which had been piloted between Montreal and Kingston
10 by somebody who was not a licensed pilot. I have
11 consulted my file during the recess, and the offence
12 was committed on the 9th June 1960. The complaint was
13 filed on 18th October 1960, judgment was given on 23rd
14 February 1961. Penalty was \$26, including also the
15 expenses. The vessel concerned was the PRINDOC
16 and here is a summary of the oral judgment of Judge
17 Legrand. I am quoting from my file in English:

English 18 "After reviewing the evidence,
19 "he was quite satisfied that Captain
20 "Raymond had in fact rendered pilotage services
21 "on the PRINDOC and that as he was not
22 "a regular member of the crew, he was not
23 "therefore authorized to do so under the
24 "provisions of the Canada Shipping Act
25 "governing pilotage and which reserve to
26 "licensed pilots exclusively the right to
27 "render such services within the limits
28 "of a pilotage district like that between
29 "Montreal and Kingston. He stated however,
30 "that the offence was purely a technical offence



1 English

2 "in that it would have been perfectly legit-
3 imate for Captain Raymond to do what
4 "he did if he had signed on the Articles
5 "before boarding the vessel at Montreal and
6 "had signed off after leaving her at
7 "Kingston."

French 8 (THROUGH THE INTERPRETER.)

9 THE CHAIRMAN: So he was a Canadian captain
10 and not American?

11 MR. BRISSET: Yes. It was the PRINDOC.

12 Q. Well Mr. Melanson since this incident
13 of the 9th June 1960 has there been anything in the
14 Canadian records concerning similar incidents to the
15 one we have just cited?

16 A. Well I have various incidents. I have
17 heard that some vessels of Scott Misener
18 Steamship were using captains like those through the
19 most difficult part of the river.

20 Q. Do you know if these captains belong
21 to the crew after having signed the Articles or not?

22 A. I don't know.

23 Q. But there was no other complaint filed
24 in criminal court since 1960?

25 A. No.

26 Q. At the end of your evidence Mr. Melanson
27 you have mentioned work of harbour pilots who were
28 relieving the river pilot at Longue Pointe when the
29 vessel was anchoring?

30 A. Yes.



1 French

2 Q. Is this some change of shift which is
3 done frequently?

4 A. No, not frequently, only occasionally.

5 Q. Do the vessels who must anchor to
6 enter the Seaway, must anchor at Longue Pointe for
7 inspection?

8 A. Well I think there must be a distinction
9 between what I was saying this morning and the vessels
10 which enter the Seaway. I was referring this morning to
11 the vessels which go upstream and because their pier
12 is not ready, they must anchor for a short while.

13 Q. Well apart from this, you mentioned
14 that there was a case of a vessel which must enter in
15 the Seaway and must be subject to inspection at Longue
16 Pointe and these cases, there is also a relief pilot at
17 Longue Point because the vessel is anchored for inspection?

18 A. Yes, necessarily.

19 Q. Do you remember that during the audience
20 in Montreal we had referred to the dispute between the
21 pilots of Quebec Harbour and those of the Seaway concerning
22 vessels which had to wait before entering into lock No. 1?
23 You remember that?

24 A. Yes.

25 Q. During the Montreal audience we had
26 been told that the problem had been submitted to a company
27 of experts, or surveyors and maritime architects called
28 J.B.R. Campbell & Company. Has the report of this
29 firm been submitted to the competent authority?

30 A. I don't know this.



1 French

2 Q. Well you have received no report
3 yourself concerning this dispute?

4 A. No.

5 Q. What is the situation now?

6 A. Well the decision which was taken at
7 the time is still in force for the time being, that is
8 the harbour pilot who brings a vessel into the Seaway
9 will stay on board until this vessel is in position No. 1
10 to enter into the lock. At that time the pilot gets off
11 and the Cornwall pilot gets on board.

12 Q. Well this is following the procedure
13 of previous years?

14 A. Well in previous years when a vessel
15 was along the lay-by wall, which is a good French phrase,
16 "lay-by wall" the pilot was going on board at any
17 position and was starting his trip.

18 THE CHAIRMAN: Well what do you mean by that?

19 THE WITNESS: Well either position No. 1,
20 No. 2 or No. 3.

21 Q. The pilot of the Seaway will board the
22 vessel while the vessel is in first position, that is
23 when he is the first vessel to get into the lock?

24 A. Yes.

25 Q. Mr. Melanson you have mentioned some
26 disciplinary measures and you stated that for some time
27 all cases were referred to the Pilotage Authority in
28 Ottawa. Could you tell us since what time?

29 A. Well if I remember correctly since 1961,
30 I believe.



1 French

2 Q. Since the 1961 season?

3 A. Yes, I think -- yes, it is since the
4 1961 navigation season.

5 Q. Well previously you had the authority
6 to levy a penalty in certain cases?

7 A. Yes, up to \$40.

8 Q. Well you have not got this permission
9 any more?

10 A. No.

11 Q. Do you have the authority to take other
12 disciplinary measures yourself?

13 A. Well if there has been any infraction,
14 I am in a position to ask a pilot to come and give an
15 explanation and take him out of the list until this is
16 done.

17 Q. The only disciplinary measure that you
18 can impose now is to delete the name of the pilot from
19 the assignment list?

20 A. Yes.

21 Q. Until a decision has been taken by the
22 competent authority?

23 A. Yes.

24 Q. I would like, in this respect and so
25 that we can have an example to demonstrate how your
26 investigations are conducted, I would like to see with you
27 the case of the pilot who was involved in the case of the
28 Thors carrier and the STERNO. Mr. Melanson you probably
29 remember that the offence was committed on 6th July.

30 This commission was in fact during the installations in



1 French

2 the Montreal District?

3 A. Yes, and I believe that this was -- we
4 were in Cap San Michel when we saw the Thors carrier
5 passing.

6 Q. On Saturday 6th July in the evening?

7 A. Yes.

8 Q. When you returned to the office, what
9 did you do after you learned about the incident?

10 A. Well upon my return, I did not go to
11 the office. I went to the hotel. I had Mr. Boudreau
12 with me. I took him to his home in N.D.G.
13 and then I arrived home at ten o'clock.

14 Q. When did you have news for the first
15 time about this incident?

16 A. Well sometime after my arrival on the
17 Saturday, 6th July in the evening.

18 Q. What measures did you take then?

19 A. Well I asked to delete Mr. so-and-so
20 from the assignment list.

21 Q. Could you please not mention the name?

22 A. Well I am sorry, I forgot.

23 THE CHAIRMAN: So the same decision taken in Quebec
24 for the same reason will be taken here.

25 THE WITNESS: Well I am sorry, I forgot.

26 Q. So you asked to delete this name from
27 the assignment list on Saturday night?

28 A. Yes.

29 Q. What other measures did you take later?

30 A. Well subsequently, that is on the follow-



1 French

2 ing Tuesday his name was put back on the list and when
3 I was waiting for a report from the company which owned
4 the STERNO, as well as the captain of the other vessel
5 which was then in Three Rivers, the company representing
6 the THORS CARRIER told me they had received a report
7 from the captain which had not found it satisfactory.
8 Since the vessel was anchored in Three Rivers to complete
9 its loading, he had asked the captain to have a more
10 detailed letter.

11 Q. On Tuesday, the 9th July you put the
12 pilot involved on the assignment list?

13 A. Yes.

14 Q. When did you receive the report from
15 the captain of the THORS CARRIER?

16 A. Well I think it was the end of the week
17 or the beginning of the following week. It took some
18 time.

19 Q. I would like to show you a copy of a
20 letter. Unfortunately your lordship I haven't got the
21 original today with me but if the witness can identify
22 this as similar to the one he received, I think this
23 will suffice.

24 MR. LANGLOIS: Your lordship, I take again
25 the objection which was made by our learned confrere this
26 morning. This matter is sub judicia and one wants the
27 witness to make a statement which is supposed to be part
28 of this evidence.

29 MR. BRISSET: Your lordship, I don't want to
30 make a trial of the pilot involved but simply to follow



1 French

2 step by step all the measures which were taken by the
3 witness as Superintendent.

4 THE CHAIRMAN: Well this document will be
5 produced only to show the conduct of procedure, and not
6 its content.

7 Q. Mr. Melanson this letter is a copy of
8 the report that you have received eventually from the
9 Captain of the THORS CARRIER?

10 A. Yes.

11 Q. Would you please file this as Exhibit
12 No. 723?

13
14 ---EXHIBIT NO. 723:

Copy of a report received
from the Captain of the
THORS CARRIER.

15
16
17 Q. Upon receipt of this letter Mr.
18 Melanson did you leave the name of the pilot on the
19 assignment list or did you delete it?

20 A. I left his name on the list.

21 Q. Did you call the pilot to your office?

22 A. Yes.

23 Q. Was it before the receipt of this
24 report or after?

25 A. After. I think it was after because
26 I was busy. I was outside the City in Three Rivers and
27 it is only the following Monday that I saw the pilot.

28 Q. So on Monday following, this would be
29 about the 17th July?

30 A. Yes.



1 French

2 Q. When you called the pilot to your
3 office, did you get an explanation from him?

4 A. Yes. I asked him to give details of
5 what happened and he told me the facts the way he saw
6 them.

7 Q. Had you received, at that time, a
8 report from the vessel STERNO?

9 A. No, I think that the report from that
10 vessel came later and it was a report from the agent only.
11 What I received about the STERNO was a report from the
12 agent.

13 Q. Was the report received from the STERNO,
14 even if it came from the agent, was it in about the
15 same terms as the one of the Captain of the THORS CARRIER?

AA2 16 A. Yes, as vague as it was, as vague as
17 the previous one and that is why we went back to see
18 the Captain of the STERNO recently.

19 Q. When did you go back to see the Captain
20 of the STERNO?

21 A. I think it was last Tuesday. Last
22 week.

23 Q. And you intend to see again the
24 Captain and/or the mates of the THORS CARRIER I think in
25 October when the vessel will come back?

26 A. Yes. Captain Catinus and myself intend
27 to do so.

28 Q. In the meantime, no disciplinary meas-
29 ure of, for instance, deleting his name from the assign-
30 ment list has been taken against the pilot?



1 French

2 A. At the present time because these
3 reports must go to the Department which will take a
4 decision.

5 Q. Now you have referred to a vague report
6 received from both vessels, the THORS CARRIER and STERNO.
7 Could you explain to us what you consider as a vague
8 report in the case of an accusation which is the pilot
9 concerned was under the influence of alcohol?

10 A. Well if you read in the report that the
11 pilot could have been under the influence of alcohol
12 or very tired.

13 Q. Well the words "very tired" could not
14 be interpreted by you as a phrase used by a very polite
15 foreign captain?

16 A. Well the words are still there "very
17 tired".

18 Q. But if the words "or very tired" had
19 not been shown on the report ---

20 MR. LANGLOIS: I am sorry to interrupt, but
21 if he wants to have the judgment, he should be Commission
22 Investigator on this case.

23 THE CHAIRMAN: Well I understand the question,
24 the way I heard it, does not refer to a particular case.

25 MR. LANGLOIS: I think at the beginning he
26 was referring to the letter in his hands, if it was the
27 polite words of the foreign captain who by courtesy
28 referred to fatigue. In other words, one is asking
29 to render the judgment which actually belongs only to
30 the Pilotage Authority.



1 French

2 Q. Well I will rephrase my question, or
3 reword my question then. If the Captain, in his report,
4 says only the pilot concerned was drunk, from the point
5 of view of your investigation would you consider these
6 words as vague or very precise?

7 A. Well if we had only the words drunk,
8 if we had only the words drunk, well then the case would
9 be different. There would be a direct accusation.



PB/RPS 1 French

2 Q. Well, you would consider this is
3 sufficiently precise?

4 A. Then it would require different
5 attitude from my part and I would have to delete this
6 pilot from the assignment list completely.

7 Q. In the case of the other vessel, the
8 STERNO, did you receive a report eventually from the
9 vessel other than the agent's report?

10 A. Well, I only received a letter from the
11 agent.

12 Q. So you have no letter from the captain?

13 A. No -- yes, were you speaking of the
14 STERNO? Last week we got a report from the Captain, the
15 two mates and the reports have been sent to the Department.

16 Q. Before the investigation you made on
17 board you didn't get any letter from the Captain?

18 A. No.

19 Q. In the case of the report made by the
20 agent and not by the Captain directly do you pay attention
21 to the report made by the agent if the agent himself
22 declares that the pilot employed was drunk?

23 A. Well, from the part of the agent I
24 never received his letters, but in the case of the STERNO
25 the agent was explaining what had happened in the case
26 of the Captain and that is why we had to see the Captain
27 again.

28 Q. Do you have with you today the letter
29 you received from the agent of the STERNO?

30 A. No, I haven't got it today.



1 French

2 Q. Would you be kind enough to bring it
3 so that we can see it. Now, Mr. Melanson, during the
4 last two years have you had the opportunity in your
5 District that you delete for a fairly long period of time
6 the name of a pilot from the assignment list until an
7 inquiry or an investigation was completed?.

8 A. No, sir.

9 Q. In practice -- any events which would
10 require an inquiry from yourself, in practice and
11 basing yourself upon your experience in the last few
12 years can you tell us how long it takes, the investigation?

13 A. On a similar case?

14 Q. Yes, a similar case, similar to the one
15 of the THORS CARRIER?

16 A. Well, that is very difficult because
17 there are very few of them and I don't remember very well.

18 Q. May I understand then that in an inquiry
19 such as the one of the THORS CARRIER which has been lasting
20 almost three months is a normally conducted inquiry?

21 A. Well, perhaps not as normally as it
22 should be, but one must wait until vessels have returned
23 because they are abroad.

24 Q. In other words you wouldn't accept,
25 if I understand correctly, the report made by the Captain
26 otherwise than made in your presence?

27 A. Well, it would be very difficult.

28 Q. Which means if the vessel never comes
29 back into our waters the inquiry or investigation will
30 never be completed?



1 French

2 A. Well, of necessity.

3 MR. LANGLOIS: (THE INTERPRETER: Mr. Langlois
4 is not speaking into the microphone and cannot be
5 interpreted.)

6 THE CHAIRMAN: Unless the evidence has been
7 obtained by somebody else, by the launch man for instance.

8 THE WITNESS: Well, to that extent I never
9 got any evidence of that sort.

10 MR. BRISSET: Q. Well, Mr. Melanson, would
11 you accept then as satisfactory an extract from the log
12 book, the vessel log book which would report on the events?

13 MR. LANGLOIS: Your lordship, I think my
14 colleague is now having Mr. Melanson play a part which
15 he is not supposed to play. Mr. Melanson has given
16 evidence before saying he wasn't rendering any decisions
17 even for the penalties, financial penalties, he had to
18 submit to Ottawa. He is now saying the fact-finding
19 investigation which is to inform the Department so that
20 the Department will decide if this is a matter to have
21 further information. Mr. Melanson is not taking any
22 action. He only makes the report and the Pilotage Author-
23 ity will decide if the inquiry will be pursued further.
24 Here is testimony that is requested from Mr. Melanson
25 which wasn't intended.

26 MR. BRISSET: Q. Well, I think it is
27 important from the shipowner's point of view to know
28 which kind of evidence he must submit.

29 THE CHAIRMAN: Well, Mr. Melanson is now
30 aware so you may.



1 French

2 MR. BRISSET: Q. Would you accept an official
3 extract of the log book?

4 THE CHAIRMAN: While you are still passing
5 the fact-finding investigation.

6 MR. LANGELOIS: Well I would like to be
7 specific as to the question why he is accepting this,
8 what is the purpose, is it to send it to Ottawa or do you
9 accept something for evidence or is it worthwhile to be
10 transmitted to Ottawa. I would like some explanation of
11 that.

12 MR. BRISSET: Q. I come back to my question:
13 Would you accept for carrying out your duties which are
14 to investigate on a particular incident, would you accept
15 for such investigation or inquiry the log book of a
16 vessel which would report the facts of the incident
17 concerning the pilot and if you would accept such a
18 document would you transmit such a document to Ottawa with
19 your report?

20 A. In the case of the STERNO we went last
21 week. The Captain gave us an extract from the log book,
22 an extract which was in Norwegian and and we sent it
23 as such, in Norwegian, to the Department.

24 Q. So to help the shipowner in the future
25 in similar cases could we inform the shipowners that in
26 the case of a complaint which involves a pilot the captain
27 of the vessel concerned should send to your office either
28 directly or through an agent a certified copy of his
29 log book which would give the facts?

30 A. Certainly.



1 French

2 MR. LANGLOIS: My lord, I think at that stage
3 my colleague should be even more specific in his question,
4 if he wants only to transmit hearsay, sending the log book
5 to Ottawa, or if he wants to ask the witness would this
6 be proof.

7 THE CHAIRMAN: Ottawa is going to decide if
8 the investigation proves something or not or if the
9 investigation should be pursued because I think this
10 would be the type of preliminary inquiry which should
11 not influence the ruling against the pilot, but in order
12 to only determine if an investigation should be done
13 or not.

14 MR. LANGLOIS: I wouldn't like my learned
15 colleague to be of the opinion this would be satisfactory
16 as proof for the Pilotage Authority. I wouldn't like
17 him to put these words in the mouth of the witness and
18 this is the only reason I object. If the ship's master
19 doesn't come back to Canada and doesn't think it is
20 worth making a statement under oath when he has complained
21 against a man, a pilot, well, I don't think this would
22 be sufficient proof, the log book.

23 MR. BRISSET: My colleague seems to forget
24 what is stated in the Canada Shipping Act to the effect
25 that a log book represents a prima facie case.

26 MR. LANGLOIS: I would like to say the
27 Canada Shipping Act applies only to Canadian ships and
28 not to foreign ships.

29 MR. BRISSET: Q. Mr. Melanson, concerning
30 Exhibit 721 which gives a list of leaves of absence for



1 French

2 pilots within the Montreal harbour you have stated that
3 the pilots are subjected to be called during their leave,
4 and that this was a frequent occurrence. Could you please
5 be more specific and tell me exactly what you mean by
6 frequent occurrence. Does it happen in the case of each
7 and every pilot for each of these weeks' leaves?

8 A. Well, I couldn't tell you it happens
9 in the case of each pilot and at what intervals it would
10 happen. Oftentimes according to the number of movages
11 done in a given day it may happen that all pilots on
12 duty aside from those who are on leave might be so busy
13 that it would be absolutely essential for us in order
14 not to delay the ships to have additional pilots and
15 consequently we would call those on leave and ask them
16 to come to work. They are always at the disposal of
17 the office.

18 Q. And this happened how many times this
19 year ever since the beginning of the navigation season
20 that you have had to call upon a pilot on leave?

21 A. I couldn't tell you how many times.
22 It may happen on occasions but I wouldn't be able to
23 indicate the frequency.

24 Q. Did it happen one time, one single
25 time this year or at least one time this year?

26 A. Yes, certainly.

27 Q. Twice?

28 A. Well, I couldn't tell you once, twice
29 or three times, but I know that at times whenever we
30 need them, well there are two pilots on leave and fourteen



1 French

2 on duty, if we need those two we will call upon them
3 and nobody ever refuses to come to work.

4 Q. My learned colleague Mr. Lalonde made
5 you say that the pilots got one week of leave per year.
6 I would like to correct that impression that you made
7 and suggest rather that they have one week of leave per
8 season of navigation. At that time you were mentioning
9 the Cornwall pilots.

10 A. Well, during the navigation season out
11 of necessity, of course, the Cornwall pilots are working
12 but when the Seaway is closed well the Cornwall pilots
13 don't work, so, of course, the navigation season is
14 equivalent to one year.

15 Q. Consequently it would be more accurate
16 to say one week of leave per season and not per year.

17 MR. LALONDE: This wouldn't be more accurate
18 because in the navigation season there are three seasons
19 because my colleague said one week per season.

20 THE WITNESS: In order to be more specific
21 we can say during the navigation season which starts on
22 April 15th and ends November 30th.

23 THE CHAIRMAN: One week of leave during that
24 period of time.

25 MR. LANGLOIS: Mr. Melanson, I would like to
26 ask you one question: you mentioned that the report
27 in the case of Pilot X which had been refused on two
28 occasions, that that report hadn't been judged as being
29 adequate. By whom?

30 THE WITNESS: By the D.O.T.



1 French

2 MR. LANGLOIS: Thank you.

3 THE CHAIRMAN: Adequate proof accepted by
4 the representative of the D.O.T. and also as represented
5 by the Pilotage Authority.

6 MR. JACQUES: If it pleases the Commission
7 I forgot to mention a point with the witness, Mr. Melanson,
8 something to do with the Montreal District. I think
9 there was in existence and still exists today certain
10 pilots under contract. Could you please explain to the
11 Commission what that means exactly?

12 THE WITNESS: It is not within the Montreal
13 District, but St. Lawrence, Kingston, Ottawa District.

14 Q. Could you please explain?

15 A. When the District, St. Lawrence, King-
16 ston, Ottawa was created in 1934 it has been included
17 in the By-Law that a company having pilots -- the
18 employees which were part of parcel of the pension fund
19 of the company did some pilotage from Kingston to
20 Ottawa before the creation of the District -- names of
21 these seven pilots have been included in the By-Law and
22 they can go on supplying the same service for the same
23 company authorized by the D.O.T.

24 MR. JACQUES: Are there still some of these
25 pilots?

26 THE WITNESS: I think two are left out of
27 the seven.

28 MR. JACQUES: Do you know how old they are
29 today?

30 THE WITNESS: One is about 57, 58 or around



French

60 and the other one is a little older. Anyway they are two brothers.

MR. JACQUES: Thank you.

THE CHAIRMAN: Any other questions to put to Mr. Melanson? Thank you, Mr. Melanson.

HERBERT COLLEY, Sworn

DIRECT EXAMINATION BY MR. JACQUES:

Q. Would you state your full name, please?

A. Herbert Colley.

Q. I believe you have also appeared before the Commission when it sat in Montreal?

A. I haven't. This is the first time.

Q. What is your age?

A. 46.

Q. Your occupation?

A. I am president of Colley Motor Ships Limited.

Q. What is the object of that company?

A. It is a shipping agency.

Q. Are you familiar with the charter business?

A. Yes.

Q. In the St. Lawrence area?

A. Yes.

Q. Are you in a position to tell the Commission the practice followed as regards the payment of pilotage dues in the chartering business?



1 English

2 A. I think I could.

3 Q. Would you explain, please?

4 A. Just to get this in perspective if I
5 am not giving it to you will you interrupt me. I will
6 start at the beginning assuming you know nothing.

7 Q. Exactly. It is a true assumption to
8 make.

9 A. Basically there are three types of
10 charters. There is what is known as the bare boat
11 charter, time charter or voyage or trip charter. The
12 bare boat charter, which is probably the least frequently
13 used is when the charterer leases a vessel in its bare
14 form; in other words without crew. It is purely a
15 physical ship and the charterer then is responsible for
16 manning that vessel, for supplying her and making her
17 seaworthy and all the expense is entirely for the charterer.
18 This would include on the voyages complete disbursements,
19 port charges, which, of course, includes pilotage, fuel
20 and any of the running costs of the ship, one hundred
21 per cent.

22 With a time charter which is a more common
23 form, the owner basically provides a vessel equipped with
24 a crew and stored, properly manned. The charterer pays
25 usually on the basis of the dead weight tonnage. It
26 would be an amount per month and the charterer then
27 becomes the operator of the vessel. He may then send
28 that ship wherever he wants subject to any geographical
29 limitations that may be stated in the charter party.
30 The charterer is responsible for all of the costs of



1 English

2 running that ship apart from the initial cost of manning.
3 In other words the cost of the fuel, all of the operational
4 costs that may be incurred in loading or discharging,
5 port charges, et cetera including the pilotage would all be
6 for the charterer's account.

7 The trip charter, merely letting the space of
8 the vessel for a given voyage from A to B, normally for
9 a bulk cargo, if I may give a common example here, for a
10 load of grain in Canada. If the cargo of grain, it
11 would be done on a trip charter or under a form called
12 a Baltimore Form C. Here the owner undertakes to carry
13 the cargo from A to B for a given freight rate. There
14 may be a stipulation, a guaranteeing rate at which the
15 cargo will be loaded or discharged. There may also be
16 a stipulation as to whether the owner or charterer is
17 going to pay for the cost of loading or discharging.
18 Basically the owner is responsible for all of the operation-
19 al costs including the port charges and of course
20 pilotage.

21 Q. If I understand you well, let us take
22 the case of the Canadian shipowner and the Canadian
23 charterer. The charterer, under the bare boat charter
24 or under a time charter, in these three cases, Canadian
25 owner, Canadian bare boat charterer and Canadian time
26 charterer there would be no difference as regards the
27 payment of pilotage dues?

28 A. No difference -- in which of these
29 cases?

30 Q. It would be the charterer is in the



1 English

2 position of the owner.

3 A. Exactly. He is the operator of the
4 ship and responsible for such charges.

5 Q. So a Canadian charterer under a voyage
6 charter or a trip charter wouldn't be called upon to
7 pay pilotage dues?

8 A. The Canadian charterer?

9 Q. Yes?

10 A. He would be called upon because the
11 charterer in such a case in fact becomes the operator
12 of the vessel.

13 Q. In voyage?

14 A. Not in voyage.

15 Q. Not a voyage charterer, he wouldn't
16 be called upon?

17 A. No.

18 Q. In your experience which is the more
19 frequent kind of charter party here in the St. Lawrence
20 River area, a bare boat, time or voyage?

21 A. This is a little confusing because one
22 you are assuming it has to be one or the other. In other
23 words the charterer may have a vessel on a long term time
24 charter, perhaps for five years and during the course of
25 this charter he in turn is voyage chartering the ship.
26 In such cases he is no longer the charterer. He is
27 in fact the disponent owner of the ship and the charterer
28 is actually the operator.

29 Q. From the point of view of pilotage dues
30 does it make any difference, the charterer owner or the



1 English

2 disponent owner?

3 A. I don't quite follow.

4 Q. If a Canadian concern has a time
5 charter for a five-year period on ship X and in turn
6 it enters into a voyage charter for the shipment of some
7 grain to Russia, for instance, then the time charterer
8 becomes the disponent owner of the vessel; is that
9 correct?

10 A. It is, yes.

11 Q. And the people who have hired the ship
12 are the charterers, they have a voyage charter?

13 A. Yes.

14 Q. From the point of view of pilotage
15 dues in this particular case who pays?

16 A. The charterer, the time charterer.

17 Q. The time charterer?

18 A. Yes.

19 MR. LANGLOIS: My lord, for better understand-
20 ing of the evidence which is about to be given I would
21 like to know the purpose of the evidence. What is my
22 learned friend trying to get? I don't know what he is
23 driving at. If it is a lecture on charters?

24 THE CHAIRMAN: I think it is just to explain
25 chartering.

26 MR. LANGLOIS: There must be a purpose to
27 this. I think I am entitled to know.

28 THE CHAIRMAN: This is to explain to the
29 Commission what kind of charters we may meet in the
30 evidence.



1 English

2 MR. LANGLOIS: My lord, it is very nice to
3 have this lecture this afternoon, but if it is the only
4 purpose I don't see the point. I am afraid what we are
5 trying -- I am sure we are going to prove in the long run
6 who pays the pilotage dues. If this is what we are
7 trying to prove I would like to know because my cross-
8 examination will be quite different.

9 MR. JACQUES: My lord, I wanted to bring
10 this evidence of this witness only on that subject. I
11 think it has a bearing on the work of the Commission. I
12 think the Commission should know what happens to ships
13 when they are out on charter. I think the Commission
14 has now before it what is a bare boat charter, what is
15 a time charter, what is a voyage charter and in each
16 case who pays the pilotage dues.

17 THE CHAIRMAN: Who is responsible for paying
18 it or could be sued?

19 MR. JACQUES: Yes. In ~~any~~ case the ship might
20 be sued. It is a privilege.

21 THE CHAIRMAN: Beside the ship, who may be
22 sued, who is primarily responsible for it, that is
23 responsible for paying. Of course it goes to the customer, but
the customer can't be sued to pay pilotage dues. To whom it is
25 charged, that is what we are interested in.

26 MR. JACQUES: Eventually, my lord, this
27 cost is apparently passed on to other people and it will
28 shown before the Commission to whom it is passed on and
29 how it is passed on.

30 THE CHAIRMAN: It is a matter of contract.



1 English

2 MR. JACQUES: Yes, my lord.

3 THE CHAIRMAN: It is between the people who
4 are taking advantage of the way of transportation.

5 MR. JACQUES: It will show how it comes into
6 practice and how it is passed on or retained by various
7 people, but this is only a step, the first step to follow
8 the pilotage dues.

9 THE CHAIRMAN: It is all right, you may carry
10 on. If, Mr. Langlois or the others think we should know
11 more you will be allowed.

12 MR. LANGLOIS: My lord, I don't want to waste
13 the time of this Commission but I would like frankly to
14 know, my lord, if this evidence has anything to do with
15 the assertion that has been made many times, and it has
16 been made as far as I remember to this Commission to the
17 effect that the cost of pilotage dues was borne not by
18 foreigners, by foreign corporations, but by the owner
19 of the goods or the consumer. If that is what we have
20 in mind, to support that assertion I would like to know.

21 THE CHAIRMAN: I don't think that is the
22 purpose.

23 COMMISSIONER SMITH: There is a point brought
24 up in two places where this Commission has already had
25 hearings and evidence was given in Prince Rupert in
26 connection with the cost of pilotage, the incidents of
27 the cost of pilotage to a ton of aluminum, which I think
28 speaking from memory was between 68 and 70 cents a ton,
29 and in North Sydney there was evidence given on the
30 incidents of the cost of pilotage to coal, I think of



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Colley, dir. ex.
(Jacques)

8635

1 English

2 two cents a ton. If we could have evidence, have some
3 testimony here on the incidents of cost of pilotage on
4 concentrates of grain, on a ton cargo, I think that would
5 be very helpful.



MR/RPS 1 English

2 Whether that can be brought out through this
3 witness or some other testimony, I don't know but that
4 type of evidence I think would be beneficial, to me at
5 least.

6 THE CHAIRMAN: All right. We will see that
7 we have that. You will take a note of that. I don't
8 know whether this witness would be able to give you all
9 this evidence.

10 MR. JACQUES: May I continue with the witness?

11 THE CHAIRMAN: All right, you may continue
12 with the witness.

13 Q. You have mentioned the three types of
14 charter, bare boat, time and voyage and you have stated
15 or rather I have said and you have agreed that between
16 Canadian shipowners, Canadian bare boat charterers, and
17 Canadian time charterers as regards pilotage dues the
18 decision was the same that they were, first, responsible
19 for the payment of those dues?

20 A. Correct.

21 Q. Apart from the liability of the
22 ship herself. As regards voyage charter, you said that
23 the charterer of the ship for a voyage was not responsible
24 for the payment of the dues?

25 A. That is correct.

26 Q. Now, sir, are you familiar with the
27 charter market and how the various rates are arrived at
28 and fixed?

29 A. Well I certainly would not consider
30 myself to be an expert, but the charter market is something



1 English

2 that I have to follow as a matter of being part of my
3 business, yes.

4 Q. Would you explain to the Commission how
5 the charter market works?

6 A. The charter market, of course, is
7 basically an exchange where the shipowner and the cargo-
8 owner are brought together to form a contract for trans-
9 porting their cargo and, of course, the classic market
10 is in London in the Baltic exchange.

11 There is also a very large amount of charter-
12 ing business of this kind that is done in New York, but
13 not in one formal marketplace, so to speak. Basically
14 the principle should be a matter of supply and demand.

15 In other words, the shipowner or any
16 number of shipowners are offering tonnage and for a
17 particular cargo offering at a particular time, they will
18 offer what they think is the going rate.

19 Q. Now the owner has a ship on the market
20 has he not for charter?

21 A. Well we assume that.

22 Q. A bare boat charterer sometimes has, has
23 he not?

24 A. Correct.

25 Q. And the time charterer also?

26 A. Yes.

27 Q. When these three classes of people offer
28 their ships on the market, they offer them at a certain
29 rate for a certain cargo. Is that correct?

30 A. No. An owner who is offering his



1 English

2 ship to a bare boat charterer, he is not concerned about
3 the cargo. He is merely offering to lease his vessel
4 to another operator.

5 Q. You misunderstood the question. When
6 these three persons, as it were these three classes of
7 businessmen, the owner, the bare boat charterer and the
8 time charterer, sometimes the bare boat charterer will
9 be looking for a cargo will he not?

10
11 A. The bare boat charterer, yes, correct.

12 Q. And the time charterer might be looking
13 for cargo?

14 A. Correct.

15 Q. So these three classes of businessmen
16 will be on the market looking for freight at the same
17 time?

18 A. Yes, that is right.

19 Q. It is possible?

20 A. Yes.

21 Q. Are you able to tell the Commission on
22 what they base the asking price for their ship or for
23 cargo?

24 A. Well naturally it's a combination of
25 things. There is the basic cost involved. If it is a
26 time charterer, he knows what his basic hire costs
27 are, and what his cost for operating the ship will be.
28 From that he can learn what minimum rate he must have
29 to economically operate. Beyond that, as I say, the
30 market itself is one of supply and demand. If there are



1 English

2 more ships on the market than cargo, naturally rates go
3 down.

4 Q. Are you familiar in the way in which
5 the shipowner arrives at his minimum rate?

6 A. Again I say that would be a combination
7 of the operating costs of the vessel.

8 Q. Have you operated vessels?

9 A. Yes.

10 Q. What do you include in the operating
11 cost?

12 A. Assuming that I am a time charterer?

13 Q. Let's take the three classes: owner,
14 bare boat, time.

15 A. All right, owner. First of all an
16 owner would have to calculate the capital cost of his
17 vessel, the interest on this vessel, his mortgage. The
18 insurance, hull, P and I, the cost of his crew, a
19 percentage for maintenance and repair of the vessel,
20 classification surveys, et cetera, and then finally
21 what we could call the operational side, the cost of a
22 particular voyage. That is the amount of fuel that would
23 be consumed in a given period or a given voyage. The
24 disbursements, the port charges to call at any given
25 port, and the cost of loading and discharging the cargo.

26 Q. Would the asking rate -- have I got
27 the right expression?

28 A. Yes.

29 Q. Would the asking rate vary from port
30 to port for cargo or is it on a mileage basis?



1 English

2 A. No. You mean the length of the voyage?

3 Q. Not necessarily the length. Do you
4 say well it is so much per ton per mile regardless of
5 whether you are going to a port in South America or to
6 London or to Liverpool?

7 A. No, of course not. Conditions can
8 vary. In other words you may have a voyage twice what
9 some are. I think the expenses at one port may be higher
10 than another and this would have an effect on the cal-
11 culation, yes.

12 Q. To the best of your knowledge what is
13 the incidence of pilotage dues on the chartering business?

14 A. What is the -- ?

15 Q. It is a major factor?

16 A. Again you are talking in very general
17 terms. Can you be more specific?

18 Q. Would pilotage rates, for instance,
19 affect the rate asked by the shipowner?

20 A. It can do, yes. There is pilotage and
21 pilotage and if you are talking particularly about our
22 Canadian situation, which I suppose one might assume.

23 Q. Yes.

24 A. To try and answer your question simply,
25 if you took the accumulation of pilotage charges on a
26 vessel proceeding up to the Lakehead to load grain, for
27 example, from Escoumains to Fort William, this is certainly
28 a very serious and by "serious" I mean it is an expense
29 that has to be regarded seriously and forms quite a
30 fair proportion of the total expenses of the vessel. Inso-



1 English

2 far as such voyage is concerned, yes, pilotage does have
3 an effect on the rate that would be required.

4 COMMISSIONER SMITH: In other words, if I
5 may interrupt, as I mentioned before in North Sydney they
6 gave evidence that the cost of pilotage on the movement
7 of a ton of coal was two cents a ton. Now coal, I presume,
8 is moved in through only one District from Sydney to
9 Montreal market so that that two cents a ton would not
10 have a very great effect on the cost to the shipowner
11 or the charterer, whoever is operating it.

12 THE WITNESS: Well this is a relative point,
13 I think. I don't know what the basic rate is for
14 moving coal from Sydney to Montreal but say it is \$3.00
15 a ton. Two cents is part of that rate and if you did
16 not have a pilotage at that end, then the rate could be
17 \$2.98 a ton. It's relative what is serious and what is
18 not serious.

19 COMMISSIONER SMITH: Would you consider that
20 serious, two cents a ton?

21 THE WITNESS: I think any expense reflected
22 in the cost per ton is serious and can be serious depend-
23 ing, number one, whether you are looking at a competitive
24 factor. I don't know what the competitive factor might
25 be in this instance that you speak of, but we have coal
26 coming in here to Montreal not only from Sydney but we
27 also have American coal that comes in through the Lakes.

28 It could be that the economics become so
29 close that a matter of a few cents a ton would swing the
30 movement of the business from Canada to the States or



1 English

2 vice versa.

3 MR. LANGLOIS: My lord, I am very sorry to
4 have to interrupt again but chartering is a very complica-
5 ted business. I am rising again, and I would like to
6 know what we are driving at. We are asking general
7 questions of this witness on the stand about chartering
8 without asking him as to what kind of chartering we are
9 referring to. Are we referring to chartering in the home
10 trade markets or into the foreign trade markets? This
11 is quite a difference from one another as is shown by the
12 question asked by Mr. Smith.

13 I would like to know first what the witness
14 is an expert in; has he had experience in chartering in
15 the domestic market or is it in the deep-sea trading
16 market and I think the question should be very specific
17 and should refer to one type of trade or to the other.
18 Otherwise, we will be at least two days asking questions
19 of this witness without getting anywhere.

20 MR. JACQUES: I am sure my learned friend
21 would have ample opportunity to cross-examine and ask
22 all the questions he wants. My learned friend has never
23 been deprived of the privilege of asking any question
24 from anyone. We have seen some cross-examinations last
25 for -- was it in Vancouver? -- For days exactly on this
26 particular problem.

27 MR. LANGLOIS: That is exactly what I want
28 to avoid.

29 Q. Well sir to resume what was mentioned,
30 you said that a two cent difference may sometimes affect



1 English

2 the market. Is that right?

3 A. Yes.

4 Q. What is our biggest export here in
5 Montreal in the Gulf area in the Lake area?

6 A. Oh I don't know that. I think we
7 could answer that precisely by referring to the statistics.

CC2 8 Whether it is grain or newsprint today, I don't know.

9 Q. But grain and newsprint are two large
10 imports?

11 A. Yes.

12 Q. Would a two cent difference in those
13 two markets, grain and paper, make any difference at
14 any time?

15 A. Again I don't think I would be qualified
16 to say. I think that is something you would have to ask
17 the grain people or the newspaper people.

18 Q. So you are strictly a charterer?

19 A. Yes.

20 Q. Thank you sir.

21 THE CHAIRMAN: Excuse me, just before the
22 last interruption you were saying that the pilotage dues
23 from Escoumains to Fort William would amount to such
24 an extent that the owner would take them into consideration.
25 Were you referring to other costs that would not be
26 taken into account?

27 You said from Escoumains, you mentioned from
28 Escoumains to Fort William?

29 THE WITNESS: Yes.

30 THE CHAIRMAN: Were you making a comparison



1 English

2 with others that he would not take into account?

3 THE WITNESS: No. My point is simply that
4 -- all I was trying to give was an example of where the
5 accumulation of pilotage costs on a given voyage would
6 be of such a proportion that they have to be regarded
7 seriously and taken into account in doing a voyage
8 calculation. Whereas, obviously if a vessel is going into
9 say a port where there is only one pilotage, and perhaps
10 one short pilotage involved ---

11 THE CHAIRMAN: Like, for instance, Seven
12 Islands?

13 THE WITNESS: Yes. This amount in relationship
14 to the overall expense of the ship, or the overall revenue
15 that the ship is earning is a much smaller one.

16 THE CHAIRMAN: That answers my question. You
17 will have quite a few questions so we will take a short
18 recess.

19

20 ---A SHORT RECESS:

21

22 ---FOLLOWING THE SHORT RECESS:

23

24 CROSS-EXAMINATION BY MR. LALONDE:

25

26 Q. Mr. Colley would you have a sample of
27 each type of charter you have mentioned?

28 A. No.

29 Q. Bare boat, time and voyage?

30 MR. BRISSET: I have some which I intend to



1 English

2 file.

3 Q. When you come to rates, let us say a
4 trip charter, are these rates fixed by the season some
5 how, or approximately, or do they vary constantly?

6 A. They would vary, if you are talking
7 about charter rates now?

8 Q. Yes. Do they vary from one charterer
9 to the other or one owner to the other?

10 A. They can vary ship by ship, regardless
11 of owner or charterers.

12 Q. And do they vary according to the type
13 of cargo carried?

14 A. It can vary according to the type of
15 cargo and it can vary according to the time.

16 Q. Is there any publication which pub-
17 lishes the rates, the current rates let us say between
18 Montreal and Southampton or Liverpool or France?

19 A. Yes, there is. There is a publication
20 which recapitulates virtually all of the charter
21 rates everywhere in the world.

22 Q. Is that weekly or monthly?

23 A. As a matter of fact, there is more
24 than one service that does this and it would be on a
25 regular basis. I think some are weekly and some may
26 be monthly.

27 Q. What is the one mostly used or
28 mostly known?

29 A. Weston Form is one.

30 Q. Is that published in England or here?



1 English

2 A. Published in New York.

3 Q. Do you have a copy of that publication?

4 A. I don't have one with me. I am not
5 sure, I may have. -- I have the annual recapitulations in
6 the office.

7 Q. Maybe we could ask Mr. Brisset to
8 produce a copy which he could get from you?

9 A. Be glad to.

10 Q. You mentioned that you had several
11 criteria intervening in the establishment of charter
12 rates according to the type of charter you have, accord-
13 ing to the vessel, to the type of trips, the voyages
14 you are doing and all that. You made a difference or
15 a comparison between a ship which might go to, let us
16 say, Seven Islands where the cost of pilotage would not
17 be important enough to influence really the charter rate,
18 and the cost of a trip to Fort William. Would you give
19 the cost of pilotage at Seven Islands?

20 A. No, I couldn't give that to you offhand.

21 Q. I am informed that the cost is in the
22 amount of \$600 per trip which seems to include pilotage,
23 agency fee, but it's a flat fee. It seems to cover every-
24 thing, pilots, agency fees and tugs but you have no
25 choice. You have to pay that as a single fee. I under-
26 stand that is the situation.

27 MR. LANGLOIS: You can use them or not.

28 Q. Did you ever make the calculation of
29 what would be the cost, what is the actual cost of
30 pilotage to take a ship to Fort William? You have mentioned



1 English

2 a grain ship. I would like to take one with you. Let
3 us take a ship approximately 7,000 tons net and with a
4 dead weight of 13,000 tons. Would that be a fair
5 assumption?

6 A. Yes.

7 Q. Did you ever have experience with a
8 ship of such a type?

9 A. Yes, I think so.

10 Q. Could you tell me what, let us say,
11 this ship is bare boat, what is the cost, the total
12 cost of operation and all that to a charterer of such
13 a ship per day, excluding operational cost in the partic-
14 ular harbours, pilotage cost with a crew on board, so
15 that you have that ship going on the Atlantic. How would
16 you value the cost of running such a ship per day?

17 MR. BRISSET: My lord, if I may interrupt
18 here, I suggest that the question be a little more
19 precise. Cost will vary considerably whether you have
20 a Canadian ship with a Canadian crew. An American ship
21 with an American crew, a British ship with a British
22 crew, and so forth, all along the line.

23 Q. Well what type of ship did you have
24 experience with of that style?

25 A. Well I wonder if it wouldn't be simpler,
26 for what you are getting at, to assume, say, a European
27 vessel on a time charter basis?

28 Q. Yes?

29 A. I suggest that rather than the bare
30 boat charter because it will be simpler.



1 English

2 Q. Will you be referring to a British
3 ship?

4 A. British ship, yes, German, Scandinavian.

5 Q. What would be the cost? Suppose that
6 ship, which we mentioned was 7,000 tons net, is going
7 to take grain to Fort William, what would be the time
8 charter for such a ship?

9 A. Again, of course I don't want to be
10 confusing here but we are just in the process of a market
11 that is rapidly changing but that type of vessel for
12 approximately the last six or seven years would be on a
13 time charter basis of approximately \$1,000 a day.

14 Q. Approximately \$1,000 a day and that
15 would not include the cost of manning would it?

16 A. The manning cost is included. The
17 charterer would not have to pay anything towards manning,
18 beyond this \$1,000 a day.

19 Q. The charterer would pay \$1,000 a day
20 to the owner?

21 A. Correct.

22 Q. He would have to pay all the other
23 operational costs?

24 A. Yes. Have to pay the fuel of the ship.

25 Q. Have to pay the insurance?

26 A. He might have to pay insurance. This
27 would depend upon the circumstances of trading. You are
28 talking about a lake voyage. More likely than not addition-
29 al insurance would be payable by the charterer.

30 Q. I am talking about that particular ship



1 English

2 which you take to Fort William.

3 A. Yes.

4 Q. So you would pay insurance on such a
5 ship?

6 A. Some insurance.

7 Q. And if you add these operational costs,
8 which you referred to, insurance, fuel, pilot charges,
9 if you stop on the way while going up the Seaway, Seaway
10 charges I suppose?

11 A. Yes.

12 Q. How much would it add to the cost
13 per day of that ship to get to Fort William, do you have
14 any ideas? The cost in addition to the \$1,000 initially
15 you have to pay for the boat, for the crew?

16 A. You mean the disbursement cost that
17 might be incurred from the St. Lawrence up?

18 Q. Yes. Let us take it from the St.
19 Lawrence up and including pilotage if you want to in order
20 to make it as simple as possible. I want you to be able
21 to assess what would be the cost to a charterer of a
22 ship which would get to Escoumains, arrive at Escoumains
23 today and load at Fort William?

24 A. I would like to suggest ---

25 Q. Or reverse, maybe you want to reverse
26 it, the way down?

27 A. I would like to suggest that I could
28 give you very precise figures on this rather than guessing
29 at proportions. I had no idea I was going to be questioned
30 on this or I would have come with ---



1 English

2 Q. Neither had I.

3 A. I could guess at these things if you
4 want to. I don't think that it is necessary when the
5 actual costs are available and they can be provided.

6 Q. You have actual costs of a particular
7 ship in mind?

8 A. Well not in mind, but I have them and
9 I can make them available very easily.

10 Q. I think it would be useful, my lord,
11 if these costs would be made available.

12 THE CHAIRMAN: I would prefer if the costs
13 are available, for you to provide us with the exact
14 figures in order to give us an idea of what it is all
15 about.

16 Q. Could you produce more than one instance
17 in that respect?

18 A. Yes, certainly.

19 Q. Would that be very difficult to get?

20 A. No, I have it readily available in
21 my office.

22 Q. I would appreciate if you could take
23 a couple of ships with different types of cargo, if
24 you wish, different size ships.

25 A. All right.

26 Q. Did you ever make any calculation as
27 to how much pilotage did affect the cost of particular
28 charters you have had in the past?

29 A. Not in that way. Do you mean having
30 analyzed these figures that you have been talking about



1 English

2 and then work it out to a percentage or something?

3 Q. Yes?

4 A. No, I haven't done that precisely.

5 Q. Thank you. I understand we will have
6 the pleasure of having you later on.

7 A. I am afraid so.

8
9 CROSS-EXAMINATION BY MR. LANGLOIS:

10
11 Q. Mr. Colley I understand you are
12 mostly a ship agent?

13 A. Correct.

14 Q. And you are an agent of what type of
15 ships? Ocean going ships?

16 A. Ocean going vessels, yes.

17 Q. Are you also an agent for domestic
18 vessels plying in the domestic trade?

19 A. No.

20 Q. You have very little experience with
21 the domestic charter trade?

22 A. No, I would ~~not say~~ that. I know something
23 about the domestic charter trade. I know something about
24 the domestic trade. Mind you you are talking domestic
25 charter trade you are then gettting into another very
26 broad field. On the one hand there are schooners. I
27 know nothing about them. There are a certain number of
28 vessels that are time charter into the coastal trade.
29 British flag vessels. I do know something about them.
30 You have certain specific coastal trades such as the coal



1 English

2 trade from Sydney in which I have not been directly
3 involved but I do know about it.

4 Q. I think first sir, if I may suggest,
5 you misunderstood my question. I was not asking you as
6 to your knowledge of the domestic trade. I asked you
7 if you had any experience with them and I think your
8 answer was no.

9 A. No, my answer was partly. You say do
10 I have experience with the domestic trade and I say
11 yes, insofar as time charter of vessels employed in the
12 domestic trade are concerned, Yes, I have experience.

13 Q. You have experience?

14 A. Yes.

15 Q. That is all I wanted to know. Now you
16 mentioned three types of charter, and I take it that
17 your testimony had reference to the standard type of
18 these three charters. Is it not a fact that there are
19 many variations in these standard types?

20 A. Many, many variations.

21 Q. To suit the circumstances of the trade?

22 A. Exactly.

23 Q. Is it not a fact also that you could have
24 in a time charter, any type of charter, you could have
25 a clause to the effect that pilotage shall be paid by
26 the shipowner?

27 A. It is possible to change any charter
28 around anyway you want it, pretty well.



PB/RPS 1 English

2 A. As a general classification of charter
3 the classifications that I mentioned would follow the
4 lines that I have described.

5 Q. I have asked you if it was to your
6 knowledge, Mr. Colley, that these standard types of
7 contracts had been modified to suit the circumstances
8 of the trade by either deleting or adding to them?

9 A. Yes.

10 Q. Is it not a fact that it is customary,
11 for example, to take the example of time charter, an
12 extra charge on top, on the Seaway on account of the
13 extra premium charge for ships going up that way?

14 A. Yes.

15 Q. Is it not a fact this is applied
16 to the charge payable
17 on ships going up to the Canadian Arctic, Eastern Arctic?

18 A. Probably, I wouldn't know.

19 Q. Is it not a fact also you would have
20 some modification having regard to fuel for ships going
21 up to the Arctic due to the heavy cost of fuel in the
22 Arctic parts?

23 A. Possibly.

24 Q. In your business are you called upon
25 yourself to negotiate charters for your principals?

26 A. Yes, sometimes.

27 Q. Would you mind telling the Commission
28 who your principals are mainly? Are they Canadian
29 corporations or foreign corporations?

30 A. They are foreign corporations.



1 English

2 Q. Is it not a fact that there are very
3 few, I would say no, no Canadian corporations in the
4 chartering business?

5 A. There are -- ?

6 Q. Do you know if there are any Canadian
7 corporations in the chartering business today?

8 A. You mean as a broker or as a charterer?

9 Q. Not as a broker or agent, as a charterer?

10 A. Yes.

11 Q. Do you know how many of them?

12 A. Yes, quite a few.

13 Q. Could you name a few, please?

14 A. The Saguenay Shipping, the Federal
15 Commerce and Navigation Company, Lunham & Moore Shipping --
16 there must be more but these are three I happen to know
17 about. I can speak precisely. If you wanted to have
18 a complete list I think we could investigate and produce
19 them for you.

20 Q. I am sorry if I interrupted.

21 A. If you want a more list we could
22 probably investigate and produce those for you.

23 Q. Is it not a fact that at least some
24 of the companies you just mentioned are merely subsidiaries
25 of foreign corporations?

26 A. The Saguenay isn't, as far as I know.
27 The Federal Commerce is a Canadian company as far as
28 I know, and Lunham and Moore are certainly a Canadian
29 company.

30 Q. You are quite sure of that?



1 English

2 A. Well, as far as I am aware. I haven't
3 dug back into their history to find out if there is
4 somebody behind the scenes.

5 Q. I don't want you to go further than
6 you actually know. Besides charters that are owned by --
7 besides the pilotages paid by the charterers is it not
8 a fact you have also other terminal charges as agency fees?

9 A. I didn't quite follow that.

10 Q. For example when you have chartered
11 a vessel who pays the agency fees, the owner or the
12 charterer?

13 A. Well, again it would depend on the
14 type of charter. If you are talking of vessels employed
15 under time charter, the time charter owner or operator
16 generally would pay the agency fee. With voyage
17 charters it could vary depending upon the type of cargo
18 and contracts in the trade.

19 Q. This would vary?

20 A. Yes, particularly on voyage charters.

21 Q. I understand it is pretty hard to
22 set any base rule as to who pays in the final analysis
23 for these charters including pilotage dues, it varies
24 in the circumstances concerned.

25 A. Generally speaking, no. There is quite
26 a set pattern. The variations are not in that respect.

27 Q. Have you ever in your experience
28 heard about what was the percentage of the cost of
29 pilotage in relation to the other costs such as the
30 cost of charter, cost of handling cargo, the cost of



1 English

2 terminal charges -- have you ever figured that out?

3 A. That is the same question I was
4 asked a minute ago. I haven't sat down and calculated
5 and arrived at a precise percentage, no, I haven't.

6 Q. Would you be prepared to say on
7 your experience that the cost of pilotage is very little
8 compared to these other charges I have just mentioned?

9 A. With some exceptions as I mentioned
10 before. It would vary depending on the ports you are
11 docking at and how many ports.

12 MR. JACQUES: Would you mind repeating
13 the exceptions?

14 THE WITNESS: It would depend on the partic-
15 ular voyage, the number of ports of call, and the types
16 of ports of call.

17 MR. LANGLOIS: Q. In your District have
18 you even worked this out as an average, what was the
19 percentage of your cost as attributable to pilotage?

20 A. No, I say I haven't calculated it to
21 any precise percentage.

22 Q. Am I right in assuming that if you
23 haven't taken the trouble of doing that in your business
24 for a good many years, am I right in assuming that is
25 because it isn't important in your business?

26 A. You are not correct in assuming that.

27 Q. Have you ever also compared the cost
28 of pilotage in Canadian waters as compared to the cost
29 of pilotage in U.S. waters?

30 A. Where in U.S. waters?



1 English

2 Q. I beg your pardon?

3 A. Do you mean anywhere in the U.S. waters
4 or specifically?

5 Q. On the east coast.

6 A. I have a general idea of the comparison.

7 Q. Which one is higher between comparable
8 Districts?

9 A. As compared to Canada and comparable
10 Districts -- what is a comparable District? Could you
11 give me two Districts?

12 Q. You are the expert witness. I am
13 asking have you made a comparison. If you haven't made
14 it say so.

15 A. You asked me, if I understood you
16 correctly, you asked me whether I was aware of what
17 the pilotage costs were in the U.S. waters and did I
18 know what the pilotage costs are in Canadian waters.
19 Yes, I do. You want me to compare -- I can't compare
20 an apple and an orange. If you could give me ports that
21 are similar, maybe I could answer you.

22 Q. Apple -- you tell me if
23 it is a wrong comparison. You are the
24 witness, I am not. I want a comparison between pilotage
25 rates, for example to take a ship into the Port of
26 New York as compared to taking a ship into Quebec, up to
27 Quebec. I don't know if the comparison stands to reason
28 to you. If it isn't a good comparison . . .

29 A. I don't think it is comparable.

30 Q. It isn't. Would you have any example



1 English

2 to suggest?

3 A. This is difficult. I am not trying
4 to be evasive. The difficulty is to precisely compare
5 two things. I think you would have to arbitrarily take
6 two different sets of circumstances. You have to break
7 down what are the differences physically before you could
8 compare the differences in cost.

9 Q. This stems from the question I
10 asked you and I think you gave me an affirmative answer.
11 I asked if you ever compared the cost of pilotage in
12 U.S. waters with the cost of pilotage in Canadian waters.
13 If your answer was yes I am asking you to give us the
14 result of your comparison.

15 A. Let me correct myself then because I
16 can't give you any precise comparison at this time. The
17 implication of my answer was that I am aware of pilotage
18 costs to a certain extent in the United States as I
19 am in Canada. As to a precise comparison of these I
20 am not able to give that to you at this time.

21 Q. You can't give the Commission an
22 indication as to which was the higher for comparable
23 Districts?

24 A. No, I wouldn't want to. I wouldn't
25 want to venture an opinion on that without having precise
26 details before me.

27 Q. Have you ever made a comparison between
28 the cost of pilotage and the cost of the Seaway tolls?

29 A. I think I have done it in a general
30 way.



1 English

2 Q. Which one is higher?

3 A. Again, I am sorry I don't -- I haven't
4 come prepared with any figures on this sort of item. I
5 wouldn't want to make a guess at it.

6 Q. Would you give us an idea which one
7 is higher due to your extensive experience in the business?

8 MR. JACQUES: I submit this is a matter of
9 record. The By-Laws have been filed. I think the
10 Commission has already before it the cost of transitting
11 a ship through the Seaway. I may be wrong. I seem to
12 recall evidence on that point.

13 MR. BRISSET: On the Seaway there is a charge
14 and I would say an extra charge on the cargo and smaller
15 charge on the ship.

16 THE CHAIRMAN: I think it will have to be
17 calculated on specific ships, taking a ship with specific
18 cargo and then this could be calculated just from
19 records.

20 MR. LANGLOIS: Q. My lord, again this
21 witness has been brought as an expert and the questions
22 I am asking him are related to the type of ships he is
23 using. I am asking him by very general questioning as
24 to whether or not he is prepared to tell us which is
25 higher, which one effects -- if he answered the question pilo
26 age was an effect, I am asking him which of the
27 Seaway tolls or pilotage costs -- he should be prepared
28 to say that if he can give an answer on pilotage. I
29 don't see why he can't give it on Seaway tolls.

30 MR. JACQUES: The question isn't whether



1 English

2 pilotage affects the cost of the charter more than the
3 Seaway does. The question is to find out whether the
4 cost of pilotage has an effect on the economy of the
5 country, on export, import and chartering as part of
6 that, my lord. It is not a question of which has the
7 great effect. It's merely to establish pilotage has
8 some effect.

9 MR. LANGLOIS: My lord, I was afraid we
10 were going to get into this kind of bickering on account
11 of the wide scope of this line of questioning. My learned
12 friend himself asked a definite question of the witness
13 as to whether or not this trade was effected by pilotage
14 dues. The answer was yes.

15 THE CHAIRMAN: He said the pilotage dues
16 from Escoumains to Lakehead is a factor that has to
DD2 17 be considered by the trade, the dues for the Seaway
18 and stevedore dues at the Lakehead, and the linemen
19 also. I don't know.

20 MR. JACQUES: The witness said that the
21 pilotage dues from Escoumains to the Lakehead would be
22 an important factor in his trade but on the other hand
23 if a ship were to call at some particular port the
24 pilotage dues might not be, wouldn't be of as much
25 importance for a ship going to that place than it would
26 be if the ship were going to the Lakehead. That is what
27 the witness said.

28 MR. LANGLOIS: Q. My lord, I am very
29 surprised, I put my question in the general terms that
30 he has used himself. I will change my question. I will



1 English

2 take what he said. He just mentioned that the witness
3 said that the cost of pilotage was a factor in his
4 trade. I am asking now if pilotage -- are the Seaway
5 tolls a factor in your trade?

6 A. Yes.

7 Q. Which one is more important, pilotage
8 or the Seaway tolls?

9 A. Which one is more important?

10 Q. Yes, to your trade.

11 A. You mean which one is more expensive?

12 Q. Yes, that is what the more importance
13 meant.

14 A. This would depend upon the given voyage.
15 We have different voyages going in and out.

16 Q. As an average. The same applies to
17 pilotage. It varies with the type of ship. You said
18 pilotage is important. For comparable ships which one
19 is most important or more expensive?

20 A. I certainly would like to help you
21 on this thing, but I don't want to be misleading by giving
22 a snap assumption. As you know I am bringing in actual
23 cost of voyages, and these sample voyages would provide
24 us necessarily with the percentages that you are now
25 asking me. That would be precise.

26 THE CHAIRMAN: Mr. Colley is going to bring
27 examples as to the charges, pilotage dues from Escoumains
28 to Lakehead for various ships. If you want he will add
29 to that, in respect of these voyages what are the Seaway
30 charges then we can see ourselves?



1 English

2 MR. JACQUES: This would be included anyway?

3 THE WITNESS: Yes.

4 MR. LANGLOIS: Q. Could I add to this if
5 Mr. Colley is good enough to come forward with an example
6 of pilotage dues and Seaway tolls for various types of
7 ships that he is using in his business would he be
8 prepared to give at the same time the various cargo rates.
9 It would be interesting to establish the comparison if
10 we want to know what is the percentage of cost of pilot-
11 age dues on the business. Is it really a factor.

12 A. I have already agreed, I am bringing
13 in these documents. That will list all these rates for
14 you.

15 Q. Would it be too much to have other
16 port charges such as agency fees?

17 A. In what respect -- in respect of
18 specific voyages?

19 Q. Yes?

20 A. I could give you what is the standard
21 scale as far as -- if you are talking about tramp
22 ships, I could give you the standard scale that is
23 applicable.

24 THE CHAIRMAN: Don't complicate the example
25 too much. With straight voyages from Escoumains or
26 passing Escoumains and going up to the Lakehead -- if
27 we go now to ships that are calling at each port it is
28 going to be very difficult to understand.

29 MR. LALONDE: There again, my lord, it might
30 be worthwhile to ask the witness if in the course of general



1 English

2 practice whether ships generally go to Fort William and
3 back.

4 A. To answer that question whether it is
5 done -- again I think it would be necessary to analyze.
6 I am talking generally here in the cases I have volunteered
7 ed to give specifically ships that I have been dealing
8 with. If that is not broad enough a classification I
9 am sure we could produce others.

10 MR. LANGLOIS: Q. I understand, Mr. Colley,
11 you have ships whose final port destination is Montreal
12 and others ports on the Lakes?

13 A. Right.

14 Q. Could you give us an example of each?

15 A. Yes, we could do that.

16 Q. Of a ship whose final destination is
17 Montreal and another is Duluth?

18 A. Yes.

19 MR. LANGLOIS: I understand that the witness
20 will be available for cross-examination after this
21 information is filed.

22 THE CHAIRMAN: Of course.

23 COMMISSIONER RENWICK: For the record Mr.
24 Langlois raised the point about Canadian corporations
25 being charterers. There are two on the Pacific coast,
26 I might mention, who are completely Canadian corporation
27 and are charterers of at least one hundred to one
28 hundred and fifty ships under charter party continuously
29 twelve months in the year. That is the Canadian Transport
30 Company Limited and the Seaboard Shipping Company Limited,



1 English

2 wholly-owned and Canadian.

3 MR. LANGLOIS: Yes, sir.

4
5 CROSS-EXAMINATION BY MR. BRISSET:

6
7 Q. Mr. Colley, since we are on the subject
8 of Canadian charterers you have spoken of the Saguenay
9 Shipping Limited as one known to you here. Would you
10 agree that Saguenay Shipping is known as the biggest,
11 at least one of the biggest time charterers operating
12 in the world?

13 A. Yes.

14 Q. Even though we are a very small
15 country?

16 A. That is correct.

17 Q. Now, Mr. Colley, you are aware, are you not,
18 and I think you have so intimated in your evidence that
19 time charterers in particular are fixed on certain
20 forms that are well-known throughout the shipping world?

21 A. Yes.

22 Q. I would like to show you a form here
23 which is called Time Charter Government Form approved
24 by the New York Produce Exchange. I would ask you whether
25 you are familiar with this form?

26 A. Yes, I am.

27 Q. Are you in a position to tell me whether
28 or not in Canada for chartering purposes, I mean for
29 time chartering this form is in use?

30 A. Yes, very commonly in use.



English

Q. And it is a very common form?

A. Yes.

Q. Is that so even when a ship is fixed on the London market?

A. Yes, it is quite common on the London market also.

Q. And, of course, it is used on the New York market when a ship is fixed on the New York market?

A. Yes.

Q. Would you be good enough to file this form as . . .

THE SECRETARY: Exhibit 724.

MR. BRISSET: 724.

MR. LANGLOIS: Which one is it?

MR. BRISSET: New York.

---EXHIBIT NO. 724:

Time Charter Government
Form Approved by the
New York Produce Exchange.

MR. BRISSET: Q. Would you be good enough to read for the record the provisions of Clause 2 of this Charter Party?

A. "That the Charterers shall provide and
"pay for all the fuel except as otherwise
"agreed, Port Charges, Pilotages, Agencies,
"Commissions, Consular Charges (except those
"pertaining to the crew), and all other usual
"expenses except those before stated, but
"when the vessel puts into a port for causes



English

"for which the vessel is responsible, then
"all such charges incurred shall be paid
"by the Owners. Fumigations ordered because
"of illness of the crew to be for Owner's
"account. Fumigations ordered because of
"cargos carried or ports visited while the
"vessel is employed under this charter to
"be for the charterer's account. All other
"fumigations to be for charterer's account
"after vessel has been on charter for a
"continuous period of six months or more."

COMMISSIONER SMITH: Are ships' stores
included there?

THE WITNESS: No. This doesn't specify any-
thing under that description.

COMMISSIONER SMITH: There is something else
covers that?

MR. BRISSET: Q. Would you read for the
record Clause 1 which states the obligations of the
owner?

A. "That the Owners shall provide and
"pay for all provisions, wages and consular
"shipping and discharging fees of the
"Crew; shall pay for the insurance of the
"vessel, also for all the cabin, deck,
"engine-room and all other necessary stores,
"including boiler water and maintain her
"class and keep the vessel in a fairly
"efficient state in hull, machinery and



1 English

2 "equipment for and during the service."

3 Q. Now, Mr. Colley, in Clause 2 which
4 sets out what the charterers have to pay there is an
5 exception which provides that they will not pay if a
6 ship puts into a port for a cause for which the ship
7 is responsible. Do you recall these words?

8 A. Yes.

9 Q. Would you give us an illustration of
10 a case where the charterers will not have to pay for
11 all these charges because the ship is put into a port
12 for causes for which the ship is responsible?

CC3 13 A. Well, it could be a situation, an
14 emergency situation where a vessel has to put into port,
15 perhaps because of an accident, a collision or the ship
16 isn't able to proceed on her voyage, therefore she makes
17 a port of refuge and under such consideration the
18 of getting to this port of refuge would be shared cost
19 between the ship and the cargo.

20 Q. And the time charter would be longer
21 be involved except to the extent of possible contribution
22 on the general average of these parties?

23 A. Yes.

24 COMMISSIONER SMITH: Mr. Brisset, I would
25 like to ask the witness a question. In the Harbour of
26 Vancouver they have what they call "Cargo Rates" which
27 are charged against the cargo. I don't think they have
28 it anywhere else in Canada. Where would that expense
29 fall?

30 Q. Would the rates, the cargo rates -- would



1 English

2 this be something dealing with storage space?

3 COMMISSIONER SMITH: No, rates on the cargo
4 itself, the cargo that the ship carries, a cargo rate,
5 I think it used to be five per cent.

6 THE WITNESS: Payable to whom, do you know?

7 COMMISSIONER SMITH: Payable to the Harbour
8 Authority.

9 THE WITNESS: Payable to the Harbour Authority.

10 COMMISSIONER SMITH: They collect it.

11 THE WITNESS: Is this a means of their
12 getting revenue to pay for docking expense?

13 COMMISSIONER SMITH: I think the main purpose
14 was before the Vancouver Harbour Commission came into
15 the National Harbours Board they started to build
16 elevators and they went to a lot of expense and this
17 was one of the means they took of helping to recoup
18 their reserves to meet this expenditure.

19 THE WITNESS: We have something comparable
20 in Montreal in several different forms. There is a
21 top wharfage charge on cargo in Montreal.

22 COMMISSIONER SMITH: They have that there
23 too. That is on top of all the other imposts
24 of the harbour.

25 THE WITNESS: I can't say. I am not familiar
26 with the practice in Vancouver.

27 MR. BRISSET: Q. Mr. Colley, I would like
28 to submit to you another form of charter party which I
29 am sure you are familiar with, a Gencon or Uniform
30 General Charter approved by the Documentary Council of



1 English

2 the Baltic and White Sea Conference. Will you examine
3 the form?

4 A. Yes.

5 Q. And confirm to me that this is a type
6 of voyage charter, right?

7 A. That is correct.

8 Q. Isn't it a fact that this type of
9 charter is the one used when there are no specific
10 forms for a particular cargo?

11 A. Generally, yes, that is my experience.

12 Q. Would you file this form as Exhibit
13 725?

14
15 ---EXHIBIT NO. 725:

Gencon, Uniform General
Charter approved by
The Documentary Council
of the Baltic and White
Sea Conference.

16
17
18
19 Q. Now, Mr. Colley, there is one point
20 that you discussed briefly in your evidence.

21
22
23
24
25 -

26
27
28
29 -
30



MR/RPS 1 English

2 I think you said that a time charter operator
3 who might be here will voyage charter his ship
4 in order to get a cargo on the ship?

5 A. Yes.

6 Q. In other words, you would have the
7 time charter party between the owner and the time
8 charterer, and then a sub-voyage charter between the
9 time charterer and the voyage charterer?

10 A. Yes, that is right.

11 Q. And isn't it true that you may have
12 actually quite a number of sub-contracts?

13 A. Yes.

14 Q. You may have the original time charter
15 party, a sub-time charter party and maybe three or four
16 and eventually a voyage charter party at the end?

17 A. Yes, quite possible, It has happened.

18 Q. This is a common occurrence in the
19 shipping industry?

20 A. Yes. It does happen.

21 Q. You have been questioned about rates
22 Mr. Colley and I think to clear the situation is it not
23 right to say that you were speaking of rates under voyage
24 charter parties?

25 A. Yes. Now I am not sure of what time
26 you are referring to.

27 Q. During the cross-examination by Mr.
28 Lalonde particularly he was referring you to charterers
29 and charter rates. Is it not a fact you were dealing
30 at the time with voyage charter, freight rates?



1
2 A. Yes, I think that is true, only the
3 information that I promised to provide would also include
4 time charter rates.

5 Q. My Colley I understand that you are
6 the Chairman of the Pilotage Committee of the Shipping
7 Federation?

8 A. Yes.

9 Q. You have held this function for how
10 long now?

11 A. I would say approximately five years.
12 I am not sure exactly. It seems longer.

13 Q. Were you instrumental in preparing the
14 brief before the Commission on Pilotage submitted by the
15 Shipping Federation of Canada?

16 A. Yes, I believe so.

17 Q. My lord I am in a dilemma. I don't
18 know whether the brief should be filed before I put
19 questions on the brief or not.

20 MR. JACQUES: Well I think you should file
21 it. It is easier to have reference to it. It is an
22 exhibit and then we have the exhibit number.

23 MR. LALONDE: On the other hand, my lord,
24 we are in a situation where this witness has been called
25 by the Commission on a specific point and it is quite
26 obvious I think if we were to open the questions ---

27 MR. BRISSET: Perhaps I should not.

28 MR. LALONDE: Maybe we could wait until Mr.
29 Colley is recalled.

30 THE CHAIRMAN: You may file it right away.



1
2 We have the pilots' brief. You may file it right away.

3
4 ---EXHIBIT NO. 726;

Brief of the Shipping
Federation of Canada.

5
6 Q. Mr. Colley referring to Exhibit 726,
7 which has now been filed, Volume 2, Appendix 51, I
8 find a statement on page 161 showing the total pilotage
9 dues paid to the pilots of the five Districts of Quebec,
10 Montreal Harbour, Montreal, Kingston and Montreal/Cornwall
11 showing that from 1958 to 1962 there were paid to some
12 280 pilots of the District a sum which I have added very
13 quickly and which totals \$18,000,000 and I would like
14 you to tell us whether, in the light of these figures,
15 what do you think such figures have by way of an impact
16 on the freight rates about which we have been
17 questioning here?

18 A. Well I think they must have an impact
19 just by the very volume that you have quoted.

20 Q. Mind you this extends only to Cornwall
21 and Kingston and not further up the Lakes. I would
22 like you to keep in mind that these figures that you have
23 before you cover pilotage dues up to Cornwall and Kingston
24 and not above on the Lakes.

25 A. It is only a portion of what we were
26 talking about before.

27 MR. LALONDE: I don't know whether it is
28 \$18,000,000 exactly.

29 MR. BRISSET: I will try and add it up.
30



CROSS-EXAMINATION BY MR. LALONDE:

Q. I may be shooting in the dark, but are you aware of something called the Northeastern Atlantic Conference which establishes rates?

A. You are talking of a freight conference I presume?

Q. Freight conference. Yes, I think that is the point. Is there any kind of meeting which establishes current rates, or tries to establish current rates and which was, as a matter of fact, threatened to be called before the Combines Investigation Branch a couple of years ago for some difficulties in that respect? Are you aware of such a conference?

A. Yes, there are a number of such conferences.

Q. And what is their purpose? Do they discuss freight rates, agreed freight rates or what, because you mentioned supply and demand before.

A. Yes.

Q. I am wondering whether this is a completely jungle liberal trade or if there is some internal policing in the trade?

A. You are talking about two different things. What we were discussing before, I think, was the open charter market which is commonly called the tramp trade. Those are the vessels which take full cargoes of bulk commodity as distinct from the general cargo trades which, in many cases, are composed of lines joined



1
2 together in the so-called freight conference.

3 Q. And these are regular lines?

4 A. These would be regular lines, yes.

5 Q. And do they establish a common freight
6 rate?

7 A. That is correct, yes.

8 Q. And then what you call the tramp trade
9 tries to compete with those established rates?

10 A. No, they would not be interested in
11 the same type of cargo. Generally speaking the tramp
12 trades are the ships employed in carrying bulk commodities,
13 whether it is grain or ore or coal or something like
14 that and normally this type of cargo would not be
15 carried by liners. It is sometimes perhaps in parcel
16 lots but not generally speaking.

17 COMMISSIONER SMITH: May I interrupt? Is
18 this what is commonly known as the North Atlantic
19 Conference?

20 THE WITNESS: That is one of the conferences,
21 yes.

22 COMMISSIONER SMITH: I understand that one
23 of the conferences had particular relation to this
24 country. I thought that was the one, the North Atlantic?

25 THE WITNESS: Well to my knowledge there
26 is a North Atlantic Continental Conference. There is
27 a North Atlantic U.K. Conference. There is also a
28 North Atlantic Baltic Conference.

29 COMMISSIONER SMITH: All called the North
30 Atlantic?



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THE WITNESS: Yes.

COMMISSIONER SMITH: All right, thank you.

Q. So for all the regular lines they would have common freight rates, is that correct?

A. Not all of the regular lines, no. There are liner companies which are not members of conferences who act independently.

Q. But most of the regular line companies are members of that Conference, in your opinion. I refer to those coming on the St. Lawrence.

A. Well I would say yes, generally speaking and again it depends on the trade, it depends where they are going, whether European service or U.K., and so on.

Q. Would the largest regular companies be members of that Conference?

A. Yes, I would say so.

Q. Are you also aware of international efforts, are you aware of international conferences I think in London in the last few years in order to establish a kind of minimum cargo rate, or a suggestion was made, I think of withdrawing some vessels in the international trade in order to revamp the cargo rates? Are you aware of these conferences?

A. Yes, I am aware of it. I have read about these efforts. I have no direct concern with them.

Q. You never participated in any of these conferences?

A. No.



1
2 MR. LANGLOIS: Just to clarify the answer
3 you have just given to Mr. Brisset in reference to the
4 \$18,000,000 paid in pilotage dues over a period of years,
5 which I understand are from 1958 to 1962, you stated
6 that this had quite an impact in your trade. In what
7 way sir?

8 THE WITNESS: In view of the fact that it
9 is a lot of money.

10
11 CROSS-EXAMINATION BY MR. LANGLOIS:

12
13 Q. Well it can be a lot of money, and
14 it could have a reference to a lot of cargo. In what
15 way was it an impact in the trade?

16 A. What I said was that it could be an
17 impact on this trade. I think what we are coming to,
18 or what we hope to come to is to provide you with the
19 breakdown of these figures that will give this answer
20 more precisely.

21 Q. Would you also find out for us, and
22 let us know, what the total tonnage is in relation to
23 which these pilotage dues were paid?

24 MR. JACQUES: It is on page 161 of Volume 2
25 of Exhibit 726. It's net tonnage of vessels.

26 Q. Would it be possible to get this
27 information?

28 THE CHAIRMAN: I understand that some evidence
29 is going to be given with regard to this exhibit, appendix
30 51 isn't it?



1
2 MR. BRISSET: As I explained, the statistics
3 in the brief are published by the Government, the
4 Department of Transport, most of which are already before
5 this Commission. These are statements published for each
6 of the Districts.

7 Q. I am not challenging the amount my
8 learned friend gave. This could be checked up in due
9 course, but my question had to do with the answer given
10 by the witness to the effect that this has been quite
11 an impact on the trade and I want to know how he came
12 to that conclusion. That is all I had in mind.

13 THE CHAIRMAN: It is a relative question.
14 You had an answer. The answer was quite an amount of
15 money.

16 Q. Now you mentioned Mr. Colley that the
17 chartering of a vessel involved many sub-charters, and
EE2 18 so on. As a rule, sir, who does pay for the chartering,
19 all the ingredients that go with it, and pilotage, and
20 so on? Who in the final analysis pays for all this?
21 Is it not the owner of the goods or the consumer of the
22 goods?

23 A. Yes, I think that is correct to say.

24 Q. So the corporation that is doing the
25 chartering, the Canadian corporation, or a foreign
26 corporation, he passes the amount on to the consumer?

27 A. That would be part of it, yes.

28 THE CHAIRMAN: Provided he gets the contract.

29 Q. Also is it not a fact in competing
30 for business that the trader or the charterer, be he a



1
2 Canadian or foreign corporation, he is placed in the
3 exact position as his foreign competitor because pilot-
4 age dues are applicable equally ---

5 A. I did not follow this entirely.

6 Q. Is it not a fact Mr. Colly that since
7 pilotage dues are equally payable or applicable to your
8 competitors, that this competitor, be he a Canadian
9 corporation or foreign corporation, I cannot see how this
10 can hurt your business. You are placed on an equal
11 footing. Is that not a fact?

12 A. No, not entirely. I think theoretically
13 we are talking about costs. Now your assumption, or your
14 statement would imply that it really doesn't matter what
15 costs are as long as they are the same for everybody,
16 then the end result is the same but this is not necessarily
17 true. To give you an extreme example, it could be
18 that cost of transportation to a St. Lawrence port is
19 higher than they are to a port of New York, for example,
20 and under such circumstances ---

21 Q. Are you prepared to make that statement
22 sir?

23 A. Yes.

24 Q. Very good.

25 A. I am giving you an example of an
26 extreme nature perhaps, but where there is a difference
27 in cost, then it might very well mean that because of a
28 difference in cost the Canadian exporter, for example,
29 could miss getting a contract to his competitor in the
30 United States.



1
2 Q. Could you, sir, give me an example, not
3 today but when you do come back, of the ~~higher~~ cost through
4 an American port as compared to the same ship through a
5 Canadian port? Would you be prepared to give an example
6 which would show that the cost is higher going through
7 a Canadian port than through an American port?

8 A. As I say, in the first place I gave
9 you an example to illustrate. Now I will try to provide
10 you with what you want, at least to illustrate that the
11 difference in costs are not very far apart, that this
12 is not without the realm of possibility of ever occurring.

13 Q. Has it ever occurred to you sir?

14 A. I couldn't say exactly to my own
15 knowledge. It think it is possible that it has occurred.

16 Q. But you have no definite proof of that?

17 A. No, I haven't.

18 Q. Very good, thank you.
19

20 RE-CROSS EXAMINATION BY MR. BRISSET:
21

22 Q. If I may amplify the information given
23 by the witness in connection with conferences, the
24 North Atlantic Conference, there are not only the North
25 Atlantic Conference Westbound, but there are also confer-
26 erces eastbound. You have two sets of North Atlantic
27 Conferences. The North Atlantic U.K. Westbound Conference
28 and the North Atlantic Eastbound Conference. That is the
29 same for the Conferences in the Scandinavian countries.
30

THE CHAIRMAN: And I gather you have the same



1
2 pattern for the Pacific. Mr. Renwick was just telling
3 me they had eight sub-conferences in the Pacific.

4 Q. And also for the traffic going south,
5 isn't that correct?

6 A. Yes, South America, et cetera, all
7 over.

8 THE CHAIRMAN: The trading is as complicated
9 as the pilots in Quebec.

10 MR. LANGLOIS: As a further clarification,
11 I just want to clarify the record on this score. In
12 relation to the statements that you made, I don't think
13 you intended to make it in that way, Your testimony
14 had to do with the tramp business but is it not a fact
15 that one of the corporations that you have mentioned,
16 the Saguenay Terminals is not only in the tramp business
17 but also in the Trading business?

18 A. Very definitely, yes.

19 MR. LANGLOIS: Is it not also a fact that
20 they do not belong to any conference?

21 THE WITNESS: Well you have to ask Saguenay
22 that question. I am not sure.

23
24 RE-CROSS-EXAMINATION BY MR. LANGLOIS:

25
26 Q. It is a well-known fact in the trade
27 is it not?

28 A. No, I wouldn't say so, no.

29 MR. LALONDE: My lord, in order to have the
30 witness in preparation of the information requested by



1
2 my friend Mr. Langlois about cargo, I don't have the full
3 answer, but I refer to a very good source, that is
4 Exhibit 671 which is the Brief of the Federation to this
5 Commission and which has in appendix to chapter 4 a large
6 number of statistics taken from shipping reports. These
7 are official statistics of the Government, the Dominion
8 Bureau of Statistics and which show that the traffic in
9 terms of tonnage on the Great Lakes and on the higher
10 St. Lawrence, ocean going, has been roughly in the amount
11 of 25,000,000 tons a year both ways and about 30,000,000
12 tons a year both ways since 1958.

13 I don't have the figure for 1962 but if we
14 were to forecast on the same basis for 1960 and '61, it
15 would be something like 125,000,000 tons for ocean going
16 and 150 or 140,000,000 tons for coasting ships. Obviously
17 this is also Great Lakes and not St. Lawrence River. That
18 is at table 6, chapter 4.

19 THE CHAIRMAN: So we will have an opportunity
20 of having Mr. Colley again in order to complete your
21 investigation with the figures he is supposed to bring.
22 We will adjourn now until tomorrow morning at ten o'clock.

23
24 ---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M.,

25 WEDNESDAY, THE 2nd DAY OF

26 OCTOBER, 1963

27 * * * * *

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT
MONTREAL QUEBEC

VOLUME No.:

71

DATE:

Oct. 2, 1963

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THE ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Old Courthouse
Building, Montreal, Quebec,
on Wednesday, the 2nd day
of October, 1963.

C O M M I S S I O N :

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A. Renwick, Esq.	Member
Mr. Gilbert Nadeau	Secretary

C O M M I S S I O N C O U N S E L :

Mr. Maurice Jacques

P R E S E N T :

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset	for the Shipping Federation of Canada
Mr. J. Mahoney	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corp- oration of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots.

* * * * *



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* * * * *



B/RPS 1 ---ON COMMENCING AT 10:00 A.M.

2 English

3

4 MR. JACQUES: My lord, the Montreal evidence
5 which was started yesterday will in interrupted in order
6 to allow the pilots to put on the stand two more witnesses
7 connected with the Quebec hearings, sir.

8

9 VILANDRÉ LAFLEUR, Sworn

10

French 11 DIRECT EXAMINATION BY MR. LALONDE:

12 (THROUGH THE INTERPRETER.)

13

14 Q. Could you please state your full name
15 and your age, Captain please?

16 A. Vilandré Lafleur, and I am 42 years
17 old.

18 Q. You are a pilot in the Quebec Pilotage
19 District?

20 A. Yes.

21 Q. Since when?

22 A. Since 1952.

23 Q. Could you tell the Commission what
24 your experience at sea was before becoming a pilot?

25 A. I started to navigate in 1938 as a
26 seaman on British ships for half of the time, and the
27 other half I was on board American vessels, and then I
28 became a mate at the beginning of that year, and then I
29 served as mate for Imperial Oil during the war on tankers
30 and afterwards I became a captain which I remained for



1 French

2 six years for two or three different companies.

3 Q. After the war you said you became a
4 captain?

5 A. In 1947.

6 Q. From what year to what year, approx-
7 imately?

8 A. From 1946 -- from 1947 up to 1951
9 or 1952 -- 1952.

10 Q. And you were master on board vessels?

11 A. Yes.

12 Q. Coastal vessels?

13 A. Yes.

14 Q. Home trade you did mostly on the
15 St. Lawrence River?

16 A. Yes, on the St. Lawrence River and
17 between Miami and Cuba for a while and in the Gulf
18 around Newfoundland and the Maritime but especially the
19 St. Lawrence.

20 Q. What licence do you have?

21 A. Well, I have got a certificate of
22 captain and second mate of ocean going vessels.

23 Q. What grade of pilot are you at the
24 present time?

25 A. I am Grade B.

26 Q. Since what year?

27 A. Since the grades have been established,
28 that is since 1961.

29 Q. Were you a special pilot previous to
30 this grading of 1960, 1961?



1 French

2 A. Before the grading, yes. I was
3 working for the Saguenay Terminal and also South
4 Quebec Shipping.

5 Q. For how many years were you a special
6 pilot?

7 A. For four or five years.

8 Q. At the present time do you have a
9 position of administrator or director within the Corp-
10 oration of Lower St. Lawrence Pilots?

11 A. Yes.

12 Q. Since what date?

13 A. Since 1960.

14 Q. Previous to that were you an officer
15 within the Association of Licensed Pilots for the
16 Quebec Harbour and Below?

17 A. No.

18 Q. Previous to that were you a candidate
19 to certain positions?

20 A. I was a candidate many times.

21 Q. Are you an officer, the President,
22 Vice-President or Secretary-Treasurer of the Corporation
23 or are you only a director at the present time?

24 A. I am also President of the Committee
25 for Promotions and Admissions.

26 Q. You are only an administrator at
27 the present time within the Corporation?

28 A. Yes.

29 Q. Do you sit on other Committees as
30 well as the Committee on Admissions and Promotions?



1 French

2 A. I also sit on the Board of Examiners
3 and I am also an administrator within the Federation.

4 Q. If I understand you well you are also
5 a delegate member to the Federation?

6 A. Yes.

7 Q. Since when have you been President
8 or Chairman of the Admission and Promotion Committee?

9 A. Ever since its establishment, that
10 is in the year 1960.

11 Q. Ever since when have you been a
12 member of the Board of Examiners for the admission
13 examination in pilotage?

14 A. Ever since I have been an administrator.
15 That is 1960.

16 Q. When were the Board of Examiners
17 established as they exist today with the three represent-
18 atives of the pilots and two representatives from the
19 D.O.T.?

20 A. This has been in force since 1961
21 when the Act was approved by the Authority.

22 Q. You are referring, perhaps, to the
23 By-Law amending the General By-Laws of the Quebec
24 District adopted by the Governor-in-Council on March
25 23rd, 1961?

26 A. Yes.

27 Q. This is about the apprentice pilots?

28 A. Yes.

29 Q. Did the Board of Examiners exist
30 previous to that?



1 French

2 A. There was a Board of Examiners which
3 was quite similar.

4 Q. Did you sit on this Board of Examiners
5 before March 23rd, 1961?

6 A. Yes.

7 Q. I would like to ask you a few questions,
8 Captain, having to do with your position within the
9 Committee of Promotions and Admissions and relating to
10 your apprenticeship system. I would like to refer to
11 the By-Law, General By-Law of the Corporation of Lower
12 St. Lawrence Pilots and in particular to General By-Law
13 No. 1, which is filed before the Commission as Exhibit
14 372, and in particular to Section 40. The Committee
15 you are Chairman of is the Committee provided for in
16 Article 40?

17 A. Yes.

18 Q. What are the main -- in the first
19 place how many members are there within that Committee
20 and who elects them?

21 A. There are four members and two elected
22 by the general meeting and two are appointed by the
23 Board of Directors of the Corporation.

24 Q. What are the main duties, the true
25 duties of the Admission and Promotion Committee?

26 A. The main one -- well there is one
27 especially for us to look after the apprentices and to
28 see that they follow their lectures, look after their
29 trips, to see that discipline be observed and to make
30 certain recommendations regarding apprentices.



1 French

2 Q. Are you also looking after the
3 candidates' trips?

4 A. Yes, we always have to look in order
5 to find out how many there are and if they are available
6 for them, if they pass their examination and if they
7 went to the Marine School and so forth.

8 Q. You referred to the discipline concern-
9 ing the apprentices. Do you have any disciplinary
10 powers towards the apprentices?

11 A. No, but we may make certain recommend-
12 ations to the apprentices. We may write them a letter
13 and suggest to them better discipline and we always
14 make a report to the Authority asking them to help
15 us in disciplinary matters.

16 Q. Did you ever have the opportunity of
17 writing letters, sending letters to apprentices to
18 recommend them, for example, better discipline?

19 A. Yes, that has happened often enough.

20 Q. What are the observations contained
21 in these letters that you have sent in the past,
22 generally speaking? What do they have to do with?

23 A. Well, both on the number of trips
24 and the absences of the apprentices and when they have
25 asked for a leave of absence from pilotage, well we
26 send a letter about that.

27 Q. You talked about checking concerning
28 the number of trips done by apprentices. What means
29 do you have at your disposal in order to check the
30 trips by the apprentices?



1 French

2 A. We can always go and see the Superint-
3 endent and the Superintendent has a full record on the
4 number of trips in order to stand by apprentices and
5 we may use their records to find out exactly what was
6 the number of trips by apprentices.

7 Q. Do you receive of the trip cards that
8 are done by apprentices?

9 A. No, not a copy of these cards, but
10 we receive the number of trips that they have accomplished
11 in the course of a week or a fortnight.

12 Q. Do you have anything to do with
13 dispatching of apprentices?

14 A. Well, we have prepared a programme
15 in order to suggest them to follow a certain mode of
16 dispatching and even sent them letters to the effect
17 if they don't follow such By-Laws we would see the
18 Authority in order to see that their conduct was
19 irreproachable and they should undertake as many trips
20 as they should.

21 Q. I would like to show you two documents,
22 one dated March 29th, 1961 signed by Captain Gaston
23 Rousseau, President of the Corporation of Lower St.
24 Lawrence Pilots and Mr. Albert Hamel, Supervisor of
25 Pilots for the D.O.T. entitled By-Laws and Dispatching
26 for the Apprentice Pilots for the Quebec District.

27 A. These have been prepared by the
28 Committee of Admission and Promotion and it has been
29 adopted by the Board of Directors and the President
30 has signed the documents and sent it out.



1 French

2 Q. Was there any consultation with the
3 Local Pilots' Supervisor?

4 A. Yes, before doing anything whatsoever
5 we always consult with the Supervisor and reach agree-
6 ment.

7 Q. These By-Laws were prepared, in fact,
8 by the Committee of Admission and Promotion also?

9 A. Yes.

10 Q. The Committee of Admission and
11 Promotion took the initiative of preparing these
12 By-Laws?

13 A. It is always the Committee that
14 takes care of apprentices.

15 Q. I show you another document dated
16 April 18th, 1961 entitled also By-Laws Governing Dispatch-
17 ing of Apprentice Pilots for the Quebec District signed
18 by Mr. Gaston Rousseau as President of the Corporation
19 of Lower St. Lawrence Pilots and Mr. J.A. Maheux for
20 Albert Hamel, Pilot Supervisor. Were you informed also
21 about those By-Laws?

22 A. Yes, I worked on their preparation.

23 Q. Is there a difference between these
24 two By-Laws, the one dated March 29th and the other one
25 April 18th 1961?

26 A. I would have to read them out because
27 I don't remember the difference between the two By-Laws
28 but there must certainly be a difference between the
29 two.

30 Q. Was there any further dispatching



1 French

2 By-Laws prepared since 1961 or are these still in effect?

3 A. These are still in force.

4 Q. My lord, these By-Laws are part and
5 parcel of the Bulletins sent to members which are
6 already filed with the Commission with the date and title.
7 We may certainly be able to find them. It is Exhibit
8 No. 688. Do you know if before 1961 there was some
9 dispatching By-Laws in existence, that is By-Laws that
10 would be prior to those I have shown you?

11 A. That is before the Committee of
12 Promotions and Admissions took care of the apprentices.
13 I don't think there was a special By-Law governing
14 the apprentices. I don't know there was one in
15 existence while I was there, anyway.

16 Q. Before the establishment of the
17 Committee of Promotion and Admission would you be in
18 a position to tell me who was looking after the
19 apprentices concerning the different aspects you have
20 mentioned, that is you have said, the supervision of
21 different trips, dispatching and so forth?

22 A. Well, nobody was looking after the
A2 23 apprentices. The only thing in existence was the
24 Authority who was interested, was keeping a record
25 of the number of trips accomplished by the different
26 apprentices, but nobody in particular was looking after
27 these matters.

28 Q. Were there any By-Laws of dispatching
29 governing the apprentices? Did the Local Supervisor
30 prepare By-Laws?



1 French

2 A. The only thing in existence were
3 the Pilotage By-Laws.

4 Q. Do you know if certain lectures or
5 courses were given apprentices prior to 1960?

6 A. No, the apprentices tried to study
7 between one another and to study by themselves, but
8 there were no official courses given.

9 Q. You mentioned as the main duty of
10 the Committee of Promotions and Admissions this duty
11 of supervision of apprentices. Does the Committee of
12 Admission and Promotion exercise or govern supervision
13 over the licensed pilots as regard their profession
14 insofar as the apprentices are concerned?

15 A. No, this Committee looks exclusively
16 after the apprentices, nothing else.

17 Q. Let us suppose you would have a
18 pilot who would refuse, let us assume, to take an
19 apprentice on board, does that fall within the competence
20 of the Committee on Admission and Promotion?

21 A. In such a case this falls within the
22 competence of discipline governing the apprentices and
23 we should ask why the pilot refused to take the
24 apprentice on board and anything that has to do with
25 discipline we will look after.

26 Q. Did it ever happen that you ever had
27 to take care of such a case where you exercise certain
28 supervision into the conduct of licensed pilots towards
29 apprentices?

30 A. Yes, this happened once. A pilot



1 French

2 had refused to take an apprentice on board, so the
3 Committee of Admission and Promotion wrote to the
4 Authority asking them to get informed and make an
5 investigation in order to find out if it was the
6 apprentice's fault or if the pilot was not in good
7 humour that day and we had written to the Local
8 Supervisor and he answered us that he had made an
9 investigation.

10 THE CHAIRMAN: What did he answer you?

11 THE WITNESS: He told us that it had taken
12 him a long while to find out exactly what had happened
13 with this pilot and finally he got an answer.

14 MR. LALONDE: Q. Could you please explain
15 to the Commission what is the relationship between the
16 Committee of Admission and Promotion, the Board of
17 Directors of the Corporation and the Pilotage Authority
18 as represented by the Local Supervisor?

19 A. The Committee of Admission and
20 Promotion makes only recommendations and follows --
21 supervises the apprentices and then makes recommendations
22 to the Pilotage Authority and the Pilotage Authority
23 also submits a report to the Government, makes only
24 suggestions.

25 Q. Are you in contact only with the
26 Local Supervisor or through the Board of Directors?

27 A. Well, we get contact through the
28 Board of Directors.

29 Q. Do you have any direct relationships
30 insofar as your Committee is concerned with the Marine



1 French

2 Institute of the Province of Quebec?

3 A. Well, sometimes we may exchange
4 correspondence insofar as certain suggestions are
5 concerned and the Marine Institute gives us a room
6 or building where the courses are given during the
7 winter and that there is a kind of salary which is
8 given to the professor for the winter season and the
9 Marine school looks after this.

10 Q. The relationship with the Rimouski
11 school -- does everything go through the Board of
12 Directors?

13 A. Usually, yes, through the Board of
14 Directors, but if something official is done, everything
15 is done through the hands of the Board of Directors.

16 Q. I will come back later on this
17 question of courses that you have mentioned. Are
18 these winter courses organized by the Marine Institute
19 or are they organized by the pilots?

20 A. They are organized by the pilots, by
21 the Committee on Admission and Promotion.

22 Q. You mentioned also that you sat on
23 the Board of Examiners. Who appointed you as a
24 representative of pilots?

25 A. The Board of Directors.

26 Q. Have you sat regularly at the meetings
27 of this Board of Examiners ever since your appointment
28 in 1960?

29 A. Yes, I was a member of the Board
30 of Examiners during all examinations.



1 French

2 Q. Can you briefly explain to the
3 Commission what was the procedure followed in the
4 field of apprenticeship before the adoption of the
5 By-Law of March 23rd, 1961 insofar as the list of
6 applicant apprentices are concerned, the list of
7 apprentices, the training given to apprentices and
8 so forth?

9 A. Before March 23rd, 1961?

10 Q. Yes?

11 A. Well, there was a list of apprentices
12 which sometimes was composed of 120 or 30 or 40
13 apprentices and one, one hundred and thirty-seven, and
14 then there were seventy or seventy-five. We have
15 no means of finding out if they are interested. Some
16 of them had his name on the list and one day when a
17 pilot was needed, well then we call and if they were
18 still interested we would accept them, but we knew
19 about it only very last moment. As soon as they were
20 apprentices they had to do their apprenticeship for
21 five years and do a certain number of trips every year
22 and at the end of the five-year period they had to
23 pass an examination. In the interim they had no
24 examinations to pass, so if a applicant didn't do
25 any work well we found out only at the last moment
26 when the apprenticeship was done, five years and
27 finally the examination took place only at the end of
28 the five years.

29 Q. Please go on.

30 A. After the final examination?



1 French

2 Q. During the training period was there
3 certain supervision exercised according to your
4 experience?

5 A. Well, there was supervision -- there
6 are always pilots supervising who could exercise a
7 given supervision, but not to give courses or in order
8 to find out if the apprentice was fit for that type
9 of work or not because there was no examination in
10 existence. There was only a final examination after
11 the five-year period and sometimes they have been doing
12 ten years before they pass the final examination and
13 even some of them pass the final examination after
14 15 years.

15 Q. What were the reasons for bringing
16 out such a change in 1961. Do you think that the other
17 system didn't cause good pilots?

18 A. This wasn't the reason, but there are
19 many different technical factors within the practice
20 and technologically and instruments, and now there are
21 many more modern methods in order to learn about these
22 different techniques, and we thought it would be a good
23 idea to modify the system somewhat.

24 Q. To your knowledge have there been
25 some observations made by the D.O.T. or from the
26 Pilotage Authority concerning the older system of
27 apprenticeship?

28 A. Well, that was before 1960. There
29 was certainly correspondence at the office when we
30 entered the field of Board of Directors -- there was



French

some suggestions on the part of the D.O.T. in order to abolish this type of list of apprentices and it was thought there were too many names on the list of people not interested in pilotage, and they suggested certain requirements and to change the method of apprenticeship and they suggested a list bearing the names of only qualified people and then at the office at that time they had appointed a Committee in order to look at these matters.

Q. I would like to show you a photocopy of two letters from Mr. Cumyn, Director of Marine Regulations, one dated June 26th, 1961 addressed to Mr. Wilfred Menard, Secretary-Treasurer of the Association of Licensed Pilots for the Quebec Harbour and Below and the other dated July 20th, 1959 addressed to Mr. R. Barras, President of the Association of Lower St. Lawrence.

A. These are two letters I mentioned in which we change the system.

Q. I would like to file in a bundle these letters as Exhibit 727 entitled letters from the Pilotage Authority addressed to the Association of Licensed Pilots for the Quebec Harbour and Below dated June 26th and 20th of July, 1959 relating to the changes in apprenticeship system.

---EXHIBIT NO. 727:

Letters from the Pilotage Authority addressed to the Association of Licensed Pilots for the Quebec Harbour and Below dated June 26th and July 20th, 1959.



1 French

2 Q. Well then, after these letters in
3 1959 you have mentioned that a Committee had been
4 established. Who had established this Committee and
5 what were the activities of such Committee?

6 A. Well, this Committee had been
7 established before we came into office. It had
8 been appointed by the previous office of the Association.
9 It wasn't the Corporation. It was the Association.
10 Their function was to try to find some regulations
11 for a new system of apprenticeship.

12 Q. Well, before you became an
13 administrator this Committee had already been established?

14 A. Yes.

15 Q. And it started its activities before
16 you became an administrator?

17 A. Yes, they had started to work -- I
18 don't know how many sessions, but they had already
19 made some recommendations.

20 Q. When you became an administrator what
21 happened to this Committee?

22 A. Well, I was appointed Chairman of
23 the Committee in order to continue to study the problem.

24 Q. Well, you kept some members as
25 those appointed by the previous Board of Directors?

26 A. Yes.



R/RPS

1 French

2 Q. Will this Committee continue its work
3 under your Chairmanship?

4 A. Yes.

5 Q. Briefly what were the activities of the
6 Committee?

7 A. Well the activities first were to recruit
8 Mr. Jean Marie Martin who was at the time the Dean
9 of the Faculty of Social Science at the University Laval
10 at Quebec to help us prepare a new system and have a
11 transition system and to make some suggestions in
12 order to pass from one scheme to the other.

13 Q. What was the main objective you were
14 aiming at in this revision of regulations 1960?

15 A. Well the main objective was to improve,
16 increase the standard of the apprentices and try to do
17 better.

18 Q. Did you have many meetings of this
19 Committee?

20 A. Oh yes, we had several meetings each
21 week. It was fairly long and we began having meetings
22 with Mr. Martin and the Committee for more than a month,
23 almost two months and then the Committee and Mr. Martin
24 met the Board of Directors.

25 Q. Of the Corporation?

26 A. Yes, of the Corporation which also
27 studied this project and we met several times and finally
28 when we thought the project was nearing completion, the
29 Board of Directors sent a brief to the Government.

30 Later, once the Authority had read the brief,



1 French

2 they came to Quebec six or seven times I think and this
3 was studied again and there are still plenty of projects
4 being studied.

5 Q. Well as a Committee of revision of
6 the regulations, did you have an opportunity to prepare
7 briefs on the subject? You refer to a brief which was
8 sent to Ottawa to the Pilotage Authority. Did you prepare
9 other briefs?

10 A. Well when we thought that the system
11 was nearing completion, we sent this brief to the
12 Government. Now afterwards the brief was reviewed again
13 by the Government.

14 Q. Were there any modifications to this
15 project?

16 A. Well the main lines of this project were
17 not changed, but quite a number of things were changed
18 after discussion with the Government.

19 Q. Who defrayed the expense of preparation
20 of this project?

21 A. The pilots themselves.

22 Q. Including the cost of the experts who
23 were recruited for that?

24 A. Yes.

25 Q. During the preparation of these
26 projects, or modifications to the apprenticeship system,
27 did you get any co-operation from the representatives
28 of the D.O.T.?

29 A. Oh yes. They came very often and
30 really we got good co-operation.



1 French

2 Q. Who was on that usually?

3 A. Well we had several. I think the
4 person we saw most often was Captain Gendron.

5 Q. What was the function of Captain
6 Gendron?

7 A. Well Regional Superintendent.

8 Q. What other representatives of the
9 Department attended your meetings?

10 A. I think Seeley came and some others.
11 I forget the names. There was always the Superintendent
12 at Quebec.

13 Q. Well was it Mr. Hamel at the time?

14 A. Captain Allard.

15 Q. And then I understand that the
16 regulations which you finally adopted were those adopted
17 on March 23rd 1963 by the Government?

18 A. Yes.

19 Q. Before you explain the nature of the
20 new scheme, could you tell us first what system is in
21 operation now, at the present time? Do you still use the
22 old list of applicant apprentices?

23 A. Well we use a transitional system
24 to come from one system to the other. We still use the
25 old list of apprentices. It was changed. We mentioned
26 the applicant apprentices and a number of them have been
27 deleted from the list.

28 Q. There is a copy of a document entitled
29 "List of Applicant Apprentices" dated 11th September
30 1963 on which we have 31 names. Could you tell us whether



1 French

2 this constitutes the present list of applicant apprentices
3 in your District?

4 A. Yes, this is it.

5 Q. Your lordship an exhibit has already
6 been filed as Exhibit 656, which is a list of applicant
7 apprentices and it bears, and mentions a revision 15th
8 August 1963 and includes five names. I would like to
9 file the revised list as an additional exhibit. It might
10 be under the same number.

11 THE CHAIRMAN: Yes, in a bundle.

12 Q. Could you explain to us the reason
13 why from 15th of August to 11th September 1963 you have
14 a reduction of four names on this list produced before
15 the Commission under Exhibit No.656?

16 A. Well the list of applicant apprentice
17 pilots, this list is prepared by the Board of Examiners
18 and the reason for which you have some deletions, one
19 was received as an apprentice pilot in the District of
20 Quebec, and the others have been called for the District
21 of Montreal, on two lists we had some people from the
22 District of Montreal and the District of Quebec. They
23 had already been received in the District of Montreal
24 so that is why we deleted them from our own list, because
25 they had applied for both.

26 Q. So some people are there from the
27 list of apprentices of the District of Montreal?

28 A. Yes.

29 Q. You used this old list, which is now
30 reduced to 31 names?



1 French

2 A. Yes.

3 Q. What is the practice which you follow
4 in this system of transition?

5 A. I don't understand what you mean.

6 Q. What is the procedure followed at the
7 present time concerning applicant apprentices and apprent-
8 iceship?

9 A. Well if we need a pilot now, for instance?

10 Q. Yes, what happens then?

11 A. Well we would take this list of
12 apprentices of Lower St. Lawrence, we take the first one.
13 We send him a registered letter telling him that we will
14 admit apprentice pilots and that if he has the qualifications
15 he will be received.

16 This is sent by the Board of Examiners by
17 registered letter. The first one on the list, the first
18 one who has the required qualifications is accepted as
19 an apprentice pilot.

20 Q. What kind of training does he go through
21 then?

22 A. Well he must get an apprenticeship
23 of three years.

24 Q. Does he come under the regulations of
25 23rd March 1961?

26 A. Yes, under these new regulations.

27 Q. Could you look at regulation of Quebec
28 dated March 23rd 1961, Articles 39 to 45 entitled
29 "Transitional Provisions"? Would you explain how in
30 practice this operates, this legal text operates?



1 French

2 A. Well I think here we have quite a number
3 of dates to explain. The final aim is to send the
4 apprentice to the Rimouski school before starting anything.
5 If you go from one system to the other, you cannot, of
6 course, suddenly from one day to the other tell everybody
7 well now you have to start it all over again. To do the
8 transition, you have to sub-divide them in four categories:
9 those who had completed; those who were almost completing;
10 those who were in the middle of the apprenticeship and
11 those who were beginners so this is why we are speaking
12 of a person whose name appeared on the list on such and
13 such a date, et cetera.

14 A person whose name appeared on the list of
15 applicants, et cetera, and gives again some dates. The
16 date indicates if they have done a lot of apprenticeship,
17 or none at all and it goes from one year to the other.
18 In other words, if they had one year or two years or
19 three years, or if they had nothing. For those who had
20 completed, they remain under the old system.

21 Q. Finished what?

22 A. Finished or completed their career and
23 have their certificate on April 1st 1961 so they remain
24 under the old system.

25 Then those who obtain their certificate on
26 September 1st 1960, well those who had a certificate
27 before September 1st 1960 remain under the old system,
28 and then September 1st 1961, those fell under the old
29 system also because their time was expiring. Then you
30 had people who were before September 1st 1961, had



1 French

2 completed 30 months of service, so that they too follow
3 this system.

4 Q. Well you had established a system of
5 four priorities, granting a preference to those who
6 had completed all the time?

7 A. Those who had completed their time
8 were the first on the list; those who had almost completed
9 were behind these. Those who had half-time done were
10 in the third category and those who had done nothing
11 fell under the new system and had to go two years to
12 Rimouski school.

13 Q. Out of these 31 applicant apprentices
14 that you had filed before, where are you in your four
15 priorities now in the new list?

16 A. Well we are finishing now, a few only
17 of them have to go one year to Rimouski, then we have
18 two years, all have to go two years to Rimouski.

19 Q. In practice then you are under the new
20 system?

21 A. Yes.

22 Q. Could you now explain to the Commission
23 how this new apprenticeship system operates, established
24 in 1961, the conditions of admission, conditions
25 of education required or training required and the
26 certificate required?

27 A. Well first we had the person who sub-
28 mitted his name. Any time when the Authority was
29 informed by the Board of Examiners and they decided
30 that they needed future pilots to fill in the establish-



1 French

2 ment, the Authority was putting a public notice in the
3 papers saying that we would need ten, twenty or thirty
4 candidates for pilotage.

5 A candidate at that time must be at least
6 15 years old, has done his grade 10 and this was only
7 because of Rimouski -- it was revised later when the
8 Rimouski school asked for grade 11.

9 Q. In practice at the present time this
10 means that any candidate might have done his eleventh
11 year?

12 A. No, that is not necessary but if he
13 has not done, he will have trouble in beginning the
14 training course. So after the advice has been published,
15 he must report to the Regional Superintendent to give
16 evidence that he is a Canadian citizen, that he is
17 bilingual, that he has done grade 10; and medical
18 certificates. Then he must pass before the Board of
19 Examiners and that is where the Board of Examiners
20 does the selection.

21 If you have 100 people, well the Board of
22 Examiners will try to judge, according to merit, those
23 who have the highest certificates. Those who had the
24 best studies, and if they need 20, they will take the
25 best 20 and send them to the Rimouski school.

26 Q. Have you had to request applicant apprent-
27 ices according to this formula?

28 A. Well no, because we had to keep the
29 old list and we had enough of them for several years.

30 Q. According to the new system, you have



1 French

2 published these notices in the papers and the Board
3 of Examiners has selected five candidates as being the
4 most competent for inclusion on the list of applicant
5 apprentices. What happens then?

6 A. These people will go to Rimouski school.

7 Q. Do they have to go immediately?

8 A. Well first thing they must do in the
9 beginning is to go to Rimouski school for two years and
10 get the certificate, a diploma concerning these courses
11 and after the Rimouski school they must go for three
12 years at sea, according to whether they want foreign-
13 going certificate or if they want a coastal vessel it's
14 thirteen months. This certificate of mate on board a
15 vessel, it must be 1st mate for coastal vessels or
16 second for foreign-going vessels.

17 Q. Now the applicant apprentices in the
18 Province of Quebec must have passed their examination,
19 must have been two years at the school, have been a certain
20 number of years or months as an officer on board the
21 vessel, then what kind of examination does he have?

22 A. Well automatically when he finishes
23 or completes his time at sea, he comes back and we put
24 him back on the list and the first one who comes back
25 will be on the list; must have a certificate to be on
26 the list.

27 Q. What kind of certificate are you
28 referring to?

29 A. They must be at least a 1st mate for
30 coastal vessels or second for foreign-going vessels.



1 French

2 Q. Well he is shown on the list when he
3 obtains his certificate?

4 A. Yes. That is why we need the list, and
5 that is why we encourage them to study and do their time
6 at sea as soon as possible instead of waiting for years,
7 as they used to before and sometimes they were 30 years
8 before they started.

9 Q. Let's say now that an applicant has
10 obtained his certificate. He is on the list of the
11 applicant apprentices which bears the same date as his
12 certificate, this gives him priority?

13 A. Yes. He will have this rank until he
14 is accepted as a pilot.

15 Q. Now does the Board of Examiners during
16 all this period, until the time the candidate obtains
17 his certificate and is on the list, does the Board of
18 Examiners exercise any supervision or control towards
19 the applicant apprentice?

20 A. Well they have to go to the Board of
21 Examiners first, to begin with because they have their
22 names as soon as they are 16 years old, and they may
23 attend a course of the Marine or Navy school. They may
24 have their notes, marks and they know what kind of
25 discipline can be followed until they are pilots.

26 Q. Well is it provided that the Board
27 of Examiners will follow the applicant apprentices during
28 the period at the school?

29 A. Well that is the aim of the Board
30 of Examiners.



1 French

2 Q. When an applicant sees his name on the
3 list and it bears a date of his certificate, and a post
4 of apprentice is vacant in your District, what happens
5 under the new system, if a post of apprenticeship is
6 vacant at the present time, and when I say at the present
7 time, when your new system will be followed or applied
8 in practice?

9 A. Well by regulation, No. 1 on the list
10 will be received automatically.

11 Q. Will be received automatically or does
12 he have to undergo an examination?

13 A. Well he is automatically received.

14 Q. Well then he becomes an apprentice
15 in your District?

16 A. Yes.

17 Q. When all the requirements concerning
18 the apprentice in your District under the new system of
19 apprenticeship ---

20 A. Well to have grade 10 school.

21 Q. What must he do once he is an apprentice?

22 A. Well once he is an apprentice he must
23 make 70 trips a year, 10 in the Saguenay, 5 in Chicoutimi.
24 He must also do some movages in the different docks and
25 on the river, Chicoutimi, Quebec City, et cetera, and
26 at the end or completion of each year they have oral
27 and written examinations and if he fails in his examination,
28 he must do his year over again.

29 Q. Well the 70 trips that you have referred
30 to, must they be performed with a pilot?



1 French

2 A. Yes, of course, because there must be
3 a receipt signed by a pilot every time he has done a
4 trip.

5 Q. These examinations at the end of the
6 year, where are they passed?

7 A. Before the Board of Examiners.

8 Q. Is there any curriculum of various
9 subjects, concerning the various subjects required?

10 A. Well there is a list which tells them
11 all they must learn for the first, second and third
12 year.

13 Q. Who prepares the curriculum you are
14 referring to?

15 A. Well the curriculum has been prepared
16 by the Committee of Promotion and Admission and then
17 considered and reviewed with the Board of Examiners and
18 then considered and studied by the Board of Examiners
19 and the Pilotage Authority and finally approved.

20 Q. The curriculum you are referring to
21 is it in force at the present time?

22 A. Yes. We use that curriculum for the
23 winter course.

24 Q. Do you have with you this curriculum
25 you are referring to?

26 A. Yes, I have one copy in the English
27 and one in French.

28 Q. This document seems to contain the
29 courses which are submitted to examination for the three
30 years training course?



1 French

2 A. Yes.

3 Q. Could you please briefly explain to
4 the Commission what is contained in this curriculum?

5 A. Well briefly, well this would be
6 slightly complex. In the first place they have, for
7 example, under navigation in general, they have part of
8 navigation to learn during the first year concerning
9 the use of charts. This is the same thing. They have
10 a part governing the usage of charts to learn in the
11 first year, and then part knowledge about the vessels,
12 how they are built and draught of the vessel, the water
13 density upon a vessel, and so forth, and then afterwards,
14 aids to navigation. They must have a certain knowledge
15 about the principle and the working of a compass and
16 different instruments on board a ship for the first year,
17 and then under pilotage they have to learn part of the
18 pilotage during the first year. For example, most of
19 the main landmarks and the main shoals, the description
20 of the District and the main signals on the river and
21 then the safety, official range lights and knowledge about
22 the tides. This is the first year.

23 And the curriculum increases every year. They
24 have a little bit more to learn every year, always
25 revising the first year, and in the third year of their
26 course of apprenticeship finally they have to study the
27 whole curriculum which includes the same examination that
28 would follow captain home trade. Each year they have
29 to pass an examination on part of this curriculum and
30 during the last year they also have some pilotage By-Laws



1 French

2 to learn, and also By-Laws governing quarantine and
3 special regulations governing the St. Lawrence and then
4 the provisions about the different By-Laws. I mean this
5 is quite a lengthy course.

6 Q. My lord, I would like to file as
7 Exhibit No. 728 French copy and English copy of the
8 curriculum or syllabus for apprentices for the Quebec
9 District.

10
11 ---EXHIBIT NO. 728:

French and English copy
12 of the syllabus
13 for apprentices for the
14 Quebec District.



PB/RPS

1 French

2 Q. This programme was prepared by the
3 Committee of Admission and Promotion around what date?

4 A. Well, it has been prepared during the
5 winter of 1960.

6 Q. Was this syllabus drafted by the
7 Pilotage Authority?

8 A. By the Pilotage Authority and the
9 Board of Examiners.

10 Q. I notice that page 3 of this syllabus
11 to the effect that the course was to be given on these
12 different subjects during the wintertime and it will
13 be followed by yearly examination. In fact there will
14 be certain courses given to the apprentice during
15 the winter course?

16 A. Yes, there are certain courses that
17 last through a month and a half during the winter season.

18 Q. Who picks out the men who give those
19 courses?

20 A. Well, the Committee of Admission and
21 Promotion.

22 Q. Are those courses given by the Pilotage
23 Authority or by the Institute of Merchant Marine in
24 the Province of Quebec or are they organized by the
25 Pilot Corporation?

26 A. It is organized by the Committee of
27 Promotion and Admission -- the Corporation.

28 Q. Where are the courses given, winter
29 courses?

30 A. We always have trouble finding places.



1 French

2 Sometimes at the office of the pilots in Quebec and
3 sometimes well a course was given at the technical
4 schools. These courses are never given at the same
5 time. Frankly we don't even know if the course will
6 be given this winter because we must find a place.
7 We must find a building.

8 Q. Who teaches at these courses?

9 A. The pilots.

10 Q. They are appointed by whom?

11 A. They are appointed by the Committee of
12 Admission and Promotion.

13 Q. Are these courses compulsory for the
14 apprentices?

15 A. No, but in spite of that fact practic-
16 ally apprentices attend these courses.

17 Q. Up to now were you in a position to
18 evaluate the result of the courses that have been
19 given so as to receive information from the apprentices?

20 A. Well, the answer -- the apprentices
21 still come to the course even those who are not
22 forced to come and certainly they must find that these
23 courses are helpful and I think that most of the
24 apprentices find out that the examination -- that there
25 was a great improvement and candidates are, seem to
26 know their subject matters better and be sure of
27 themselves.

28 Q. Do you say that your apprentices
29 pass an examination at the end of their winter course?

30 A. Yes, an examination is given at the end



1 French

2 of the winter.

3 Q. Is that examination organized by the
4 Committee on Admission and Promotion?

5 A. Yes. This isn't the final examination
6 to become a pilot, but this examination is given in
7 order to satisfy all the pilots who have followed the
8 course during the winter, and also for the Supervisors
9 to find out if the apprentices have studied or learned
10 something or not.

11 Q. Are there any other notes given to
12 these examinations?

13 A. Yes.

14 Q. All the apprentices who follow this
15 winter course, are they forced to take the examination?

16 A. No, they are not forced to take the
17 examination.

18 Q. Since you are giving these winter
19 courses that last a month and a half and since the
20 apprentice has decided voluntarily to submit to this
21 examination that you organize, does the Board of
22 Examiners or the Pilotage Authority on which you sit
23 organize an official yearly examination?

24 A. Yes, there is an official examination
25 which is prepared by the Board of Examiners and the
26 Pilotage Authority every year because an apprentice
27 must pass the examination in order to go on to the
28 second year.

29 Q. At what time of this year is this
30 official examination?



1 French

2 A. There is no given date, but slightly
3 before the season, the navigation season, in the spring.

4 Q. This yearly examination, what does
5 it have to do with?

6 A. Well, as I answered previously, well
7 it is to do with the same subjects contained in the
8 syllabus, part of the examination is written and the
9 other part is oral.

10 Q. Is there a share in responsibilities
11 within the Board of Examiners between the pilots on the
12 one hand and the Examiners and the Pilotage Authority
13 on the other?

14 A. I don't understand what you mean.

15 Q. Is there a part of the examination --
16 is there a share within the competence of the pilots
17 and another share within the competence of the represent-
18 atives of the D.O.T.?

19 A. Everything that has to do with
20 navigation or seamanship in general, usually is prepared
21 by the D.O.T. and approved by the Board of Examiners.
22 Everything that has to do with the River is prepared
23 by the pilots and approved by the Board of Examiners.

24 Q. The five members of the Board of
25 Examiners, are they always there while the candidate
26 passes the examination?

27 A. Well, sometimes when they leave
28 for a minutes. As there are five members it is possible.

29 Q. What I would like to know would be
30 to find out if the pilots work, for example, with the



1 French

2 representatives of the D.O.T. in order to see to it that
3 the examinations are passed?

4 A. Yes.

5 Q. These are not theoretical examinations.
6 I suppose there are certain questions that are prepared
7 in advance about that examination?

8 A. Questions are prepared in advance,
9 not for the orals, but for the written examination.

10 Q. Who prepares these questions?

11 A. The Pilotage Authority or those on
12 the Board of Examiners.

13 Q. Now, you are referring to the
14 representatives of the D.O.T.?

15 A. Yes, they come from Ottawa and they
16 already have on hand the different papers which are
17 sealed.

18 Q. Did you ever have to fail an apprentice
19 ice at the yearly examination since 1961, that is ever
20 since this new system has been established?

21 A. Yes, we failed one last spring.

22 Q. Was the decision about that applicant
23 unanimous?

24 A. Yes, it was unanimous. This student
25 was failed on the subject of pilotage.

26 Q. What was the penalty imposed on the
27 apprentice at that time?

28 A. Well, this penalty was imposed by the
29 Authority and not the Board of Examiners. The Pilotage
30 Authority -- the Board of Examiners submitted the



1 French

2 suggestion to the Pilotage Authority that the student
3 should start again the first year.

4 Q. Does that mean that he had to go back
5 to the Merchant Marine Institute?

6 A. No, this means that he will still for
7 the next year have to pass his first year examinations
8 and even if there was a scarcity of pilots his apprent-
9 iceship would not be over before three years had
10 elapsed.

11 Q. Let us suppose, then, a pilot or
12 rather an apprentice, having followed the full programme
13 that you have followed and followed the winter course
14 that you organized and having passed the yearly
15 examination at the Board of Examiners ends his three
16 years of apprenticeship, is there anything special --
17 does he have to pass a special final examination?

18 A. After the three years there is nothing
19 special with the exception that he is forced to attend
20 his trips every year as if he was still in his first
21 year apprenticeship. He must go on attending his trips
22 so long as he is not officially a pilot, and there is
23 also an official examination he must pass in order
24 to become a pilot and this examination bears upon the
25 whole syllabus.

26 Q. After the first three years of
27 apprenticeship does he pass the annual examination once
28 more concerning the programme of these three years?

29 A. Yes.

30 Q. As soon as he has passed this examin-



1 French

2 ation at the end of the third year you say he must go
3 on being an apprentice?

4 A. Unless he is needed in pilotage. For
5 example if Ottawa says a new pilot would be necessary
6 or to replace a pilot who has died.

7 Q. Until there is a vacancy in the
8 pilotage within your District?

9 A. Yes, and then he will have to pass
10 the final examination.

11 Q. So long as there are no vacancies
12 the apprentice must go on doing his 70 trips per year?

13 A. Yes, just like the others.

14 Q. Could he be absent during that period
15 of time?

16 A. Well, he must receive a special
17 authorization from the Authority.

18 Q. Let us suppose than that an apprent-
19 ice has completed his three years apprenticeship and
20 then there is a vacancy in the pilotage within your
21 District, you say he has to pass a final examination
22 before becoming a pilot?

23 A. Yes.

24 Q. What is the aim of the examination and
25 what is the programme of this final examination for
26 this apprentice before his becoming a pilot?

27 A. This is the same as in the syllabus
28 If it takes him three years more in order to become a
29 pilot, well, perhaps he will have received a certain
30 subject matter and naturally he has to pass certain



1 French

2 examinations on the whole syllabus before passing
3 the final examination.

4 Q. Does the final examination include
5 the programme as a whole or something additional to
6 the syllabus?

7 A. Well, the whole syllabus-- as a
8 whole.

9 Q. Once more I suppose that there is a
10 written and oral?

11 A. Yes.

12 Q. Whence comes the written examination?

13 A. From Ottawa -- not necessarily from
14 Ottawa. Certain of them are prepared in Quebec by the
15 Superintendent who was a member of the Board of
16 Examiners at the time, and I believe he prepared the
17 examination in Quebec at the time, but it stems from
18 the Authority.

19 Q. The pilots who are members of the
20 Board of Examiners, do they know about the questions
21 that are going to be asked at the written examination?

22 A. No. If the examination comes from
23 Ottawa in the morning, well they will know about the
24 questions at the same time as the applicant and we
25 have time to study the questions and if we want to
26 object and find in certain instances they are too hard,
27 well then the Board of Examiners can look over them.
28 We know about the questions just at the last moment.

29 Q. Do you read the questions before
30 the candidate does?



1 French

2 A. Yes, before the examination, the
3 actual examination the Board of Examiners starts its
4 meeting and it is then that all the questions are read
5 and if they are satisfactory then are just handed over
6 to the apprentices.

7 Q. How long does that final examination
8 last to which you refer?

9 A. Well, 2-1/2 days to 3 days. Certain
10 apprentices may pass all their examinations in the course
11 of two days.

12 Q. Were there any candidates who have
13 failed their final examination since 1961?

14 A. Oh yes, many of them.

15 Q. Was the decision of the Board of
16 Examiners unanimous or divided?

17 A. Always unanimous.

18 Q. How many apprentices do you have
19 at the present time in your District?

20 A. 18.

21 Q. Was there a certain time when you
22 had more apprentices than at the present time?

23 A. I think that we had about 30, or
24 nearly 30.

25 Q. Is there any particular reason for
26 which you have a decrease in the number
27 of apprentices at the present time?

28 A. Well, there were far too many at a
29 certain time or rather the supply was going -- these
30 men had to undertake an apprenticeship that was too



1 French

2 long and we were trying a new system whereby the
3 apprentices would be received practically automatically
C2 4 at the end of their apprenticeship without their
5 having to wait indefinitely, so gradually we tried to
6 reduce the number of apprentices without having to
7 decrease their number too fast in order to reach a
8 certain happy medium.

9 Q. I am sorry if I have to go back to
10 the syllabus , but I notice on page 8 of the syllabus
11 you have a reference to a training trip in the course
12 of the summer season and it reads as follows:

13 The vessel will insofar as it is
14 possible and useful to the students implement
15 the following programme.

16 To what vessel are they referring?

17 A. This was the training vessel the
18 ST. BARNABÉ which was the property of the Provincial
19 Government. We had that vessel only for one year at
20 our disposal for the men to go on with that vessel
21 because apparently it seemed that the Government -- that
22 the vessel -- from the Government which
23 came in power. Instead of helping us out they withdrew
24 this vessel.

25 Q. So you had that training ship, the
26 ST. BARNABÉ only one year at your disposal. I would
27 like to show you two letters, one dated July 12th,
28 1962 and the other one April 10th, 1963 addressed to
29 Captain Rousseau from Captain Gerard Brie. Did you
30 have an opportunity of reading these two letters?



1 French

2 A. Yes.

3 Q. So these two letters notify you that
4 the ST. BARNABÉ training vessel will no longer be at
5 the disposal of the pilots of the Quebec District for
6 the training of apprentices?

7 A. Yes.

8 Q. I would like to file these two letters
9 in a bundle as Exhibit 729, letters from Captain
10 Gerard Brie to Captain Rousseau relating to the
11 ST. BARNABÉ training vessel.

12
13 ---EXHIBIT NO. 729:

Two letters filed in a
bundle from Captain Gerard
Brie to Captain Rousseau
relating to the termination
of availability of the
ST. BARNABÉ training vessel
to the Quebec District
pilots for the training
of apprentices.

14
15
16
17
18
19 Q. Was that training ship truly useful
20 for your apprenticeship system?

21 A. I think it was one of the best
22 instruments or one of the best assets we had.

23 Q. How was it so useful? How come
24 it was so useful?

25 A. In the first place it was equipped
26 with all the new types of instruments on board and
27 the apprentices could follow the courses on radar, the
28 latest radar equipment and, for example, in order to
29 follow the different sea marks on the river -- it is
30 difficult to take a Merchant Marine ship of 10 to 15



1 French

2 thousand tons and examine the marks on the channel, a
3 given range light without going on a boat. Naturally
4 the Captain shows you, the master goes close to the
5 rocks, he doesn't look -- well this training ship was
6 established especially with sounding machinery and
7 radar and all the necessary equipment where we could
8 go inside and anchor exactly around the sea marks and
9 indicate how the sounding machines or equipment were
10 working and naturally it was -- the students could then
11 study everything and know it well, and then we would
12 make the different apprentices practice docking at
13 different berths, although the ship was a little smaller,
14 but when there was 16 or 18 apprentices, well, they
15 could practice along the berths with one another,
16 Quebec, Chicoutimi, Port Alfred. In the winter we
17 gave some theoretical course, but then we were putting
18 into practice the theoretical courses that had been
19 given the previous winter, and for a pilot, perhaps,
20 it would be good to follow that as a refresher course.

21 Q. How many apprentices followed this
22 summer cruise in 1961?

23 A. I think there only two or three who
24 didn't attend it. I am guessing there. I think we
25 had a wide majority of them at any rate.

26 Q. Who gave the training or the teaching
27 on board the training ship at that time?

28 A. Well, the training was lasting ten
29 days, and myself, I did the first five days of the
30 trip and then I was replaced by another pilot.



1 French

2 Q. Were the pilots paid for doing that
3 type of work in the summer?

4 A. No, we weren't supposed to be paid.
5 Finally I received \$50 from the Provincial Government.
6 I received that amount later on.

7 Q. I understand that you had to be
8 absent from the Pilotage Service for a certain number
9 of days at that occasion?

10 A. Naturally I was on board for five
11 days and consequently I had to stop travelling as a
12 pilot at least one day before and one day after in order
13 to go back on the assignment list.

14 Q. What happened -- did you take back
15 your turns or were you allotted turns?

16 A. Well I was allotted one-half a turn
17 per day so I got two and a half turns.

18 Q. So the Corporation allowed you those
19 turns?

20 A. Yes.

21 THE CHAIRMAN: While we are still dealing
22 with this subject matter, what happens in the field
23 of remuneration for pilot who give winter courses?

24 THE WITNESS: Well, at the present time they
25 are paid on a hourly basis. Everything depends on
26 the certificate. I think it varies from \$7 to \$10,
27 depending on the certificates that they are holders of.
28 Yes, they are given that by the Provincial Government.
29 It is paid by the Provincial Government. A pilot is
30 paid up to \$200.



1 French

2 THE CHAIRMAN: These winter courses are
3 recognized by the Provincial Government?

4 THE WITNESS: Yes, the apprentices also
5 get a small pay.

6 MR. LALONDE: Q. To your knowledge have the
7 apprentices fully appreciated the usefulness of this
8 cruise aboard the ST. BARNABÉ?

9 A. Yes, because many apprentices are
10 asking whether we would have the ship at our disposal
11 for many years. I was asked if we couldn't approach the
12 Provincial or perhaps the Federal Government to obtain
13 an icebreaker but we didn't get anything concrete as
14 yet because we hoped we could obtain something from the
15 Federal Government.

16 THE CHAIRMAN: Do you know why the ST. BARNABÉ
17 was withdrawn from service?

18 THE WITNESS: That is a long story. It
19 seems there are some politics involved in that.

20 THE CHAIRMAN: Aside from politics?

21 MR. JACQUES: There is no story, my lord,
22 if there is no politics.

23 THE WITNESS: This vessel was supposed to be
24 --in the last two or three years it seemed that the
25 machines failed and they could have been replaced, it
26 would have been a minimal cost, but they decided to
27 abandon it.

28 THE CHAIRMAN: Where is the vessel now?

29 THE WITNESS: I think it is in the Basin
30 at Quebec. It is for sale at a very low price.



1 French

2 MR. LANGLOIS: (THE INTERPRETER: Mr.
3 Langlois is not speaking into the microphone.)

4 THE CHAIRMAN: It is on sale on public
5 tender.

6 MR. LALONDE: Q. To your knowledge do
7 you know if the D.O.T. is interested in buying the
8 ST. BARNABÉ for the pilots?

9 A. I don't know about the D.O.T. Perhaps
10 they could lend us some icebreakers.

11 Q. Did you try in fact to take the
12 necessary steps in order to obtain an icebreaker in the
13 summer season?

14 A. Well, we had started negotiating.
15 Naturally all this can't be done overnight.
16 We have been negotiating orally but no definite answer
17 was given to us.

18 Q. Did you exercise any pressures with
19 the Provincial authorities in order to see to it that
20 the ST. BARNABÉ was used again?

21 A. Personally I went with Mr. Gaston
22 Rousseau to see Mr. Paul-Gerin Lafoie. He received
23 us very well but finally when we left his office we
24 didn't know any more.

25 Q. What was that?

26 A. We didn't know if we would get the
27 vessel or not.

28 Q. I would like to show you a copy of
29 a letter dated September 12th, 1962 sent by Mr. Gaston
30 Rousseau, President of the Corporation to Mr. Arthur



1 French

2 Tremblay, President of the Study Committee of Technical
3 and Professional Training and another letter from
4 Mr. Gaston Rousseau addressed to The Honourable Paul-
5 Gerin Lafoie dated January 9th, 1963 and an answer
6 from Mr. Lafoie's secretary dated January 28th, and
7 an answer from the secretary to Mr. Paul-Gerin Lafoie
8 dated January 28th, 1963. Have you had an opportunity
9 of reading these letters?

10 A. Yes.

11 Q. All these letters, my lord, relate
12 to the abolishment of the summer course and mention
13 other things, that the course is an essential part
14 of the apprenticeship system, that it is extremely
15 useful and essential and in the final analysis that the
16 situation should be fixed. I would file this as
17 Exhibit 730, as a bundle, correspondence between the
18 Corporation of the Lower St. Lawrence Pilots and
19 Quebec Department of Transport having to do with the
20 training ship ST. BARNABÉ.

21 ---EXHIBIT NO. 730:

Four letters, filed
in a bundle relating to
the abolishment of the
summer course of the
apprenticeship system
between the Corporation
of Lower St. Lawrence
Pilots and Quebec Depart-
ment of Transport having
to do with the training
ship ST. BARNABE.



MR/RPS 1

French

2

---FOLLOWING THE SHORT RECESS:

3

4

Q. Captain Lafleur you have also referred to the Marine Institute of the Province of Quebec at Rimouski. Is the teaching provided at that Institute satisfactory for your apprenticeship system?

8

A. Well it could probably be improved also, but it certainly gives some good results. Up to now all candidates who come out from there have certainly got excellent examination and have given excellent results later.

9

10

11

12

13

Q. Do you have pilots or apprentices who are teaching at the Rimouski school?

14

15

A. Yes. We have two of them. They have certificates of foreign-going captain.

16

17

Q. Are they pilots or apprentices?

18

A. No, they are two apprentices.

19

Q. Did they ask for special permission of the Pilotage Authority for these courses?

20

21

A. Yes. Well they have asked for permission but they have also got time to do their trips because the school is closed in the summer. It has been mostly during the winter and so they have time to continue their apprenticeship.

22

23

24

25

26

Q. Have you frequent contacts with the representatives of this school concerning the curriculum, the training curriculum of your apprentices?

27

28

29

A. Well the curriculum is the same in the last three years. Then we have to get suggestions from the

30



1 French

2 Captain of the school at the beginning and inform him
3 of the regulations that we would like to adopt.

4 Q. I am showing you here a copy of a
5 brief which has been presented by the Corporation of
6 Lower St. Lawrence Pilots to the Ministry of Youth,
7 Province of Quebec, dated the 31st February 1961 in which
8 you are requesting an establishment of a Marine Institute
9 in the City of Quebec. Did you read this document before?

10 A. Yes, I have.

11 Q. I would like to file this brief as
12 Exhibit 731.

13
14 ---EXHIBIT NO. 731:

The brief of the Corporation of the Lower St. Lawrence Pilots to the Ministry of Youth of the Province of Quebec, 15th February 1961 concerning a Marine Institute in Quebec.

15
16
17
18
19 Q. Could you tell the Commission how
20 the establishment of a Marine Institute in Quebec would
21 benefit the functioning of your apprenticeship system?

22 A. Well first we are informed that in
23 the marine school at Rimouski, this school is almost
24 full to its capacity all the time and also it would be
25 closer to a big centre where we have shipyards, where
26 the apprentices could go and visit these places, for
27 instance at the shipbuilding, and they would have big
28 shipyards very close to them. Also there would be harbours,
29 docks, piers and it would give them another idea of how
30 all this operates.



1 French

2 Quebec City is also a maritime centre, fairly
3 important, much more than Rimouski anyway and Rimouski
4 could be maintained but there would be another school
5 therefore in Quebec City and it would also be an
6 advantage that in the winter the refresher courses on
7 the various technical instruments could be attended by
8 pilots who go to Rimouski now. Well pilots are away from
9 home all summer, and then they have to go again, take
10 another month in the winter and go and study in Rimouski.
11 Certainly not very exciting.

12 THE CHAIRMAN: Also to get part-time professors
13 would be easier?

14 THE WITNESS: Well yes, that is right. We
15 have difficulty in Rimouski. If we were taking away the
16 two professors or teachers that belong to our group,
17 then they would really be in trouble. In Quebec City
18 we would have more facility to get part-time professors.

19 Q. Do you remember if this brief was
20 actually presented to the Ministry of Youth or to another
21 body?

22 A. I think it was the Tremblay Commission
23 in order to endeavour to get the marine school in Quebec.

24 Q. Is this brief, is it the brief which
25 was already filed which was presented to the Commission?

26 A. Yes, that is the same one.

27 Q. Well the Tremblay Commission is the one
28 which was established for technical teaching in Quebec?

29 A. Or specialized teaching.

30 THE CHAIRMAN: Do you know if the report of the



1 French

2 Commission had any recommendation to that effect?

3 A. Well no. This remains very vague.
4 We have looked and there is nothing for or against.

5 Q. Well at the present time what is the
6 remuneration system of apprentices in your District?

7 A. In the first year of apprenticeship
8 they receive from certain companies \$12 per trip and
9 after a year, \$15. It is not as remuneration. It is
10 simply to defray their expenses. It is not a salary
11 because they are not forced to give them any salary.

12 Q. Do the companies which pay this amount,
13 are they members of the Shipping Federation?

14 A. No.

15 Q. Well my question will be phrased in a
16 different way: Were there members of the Shipping Feder-
17 ation of Canada which do not pay this amount?

18 A. Well all members of the Shipping
19 Federation do pay this amount.

20 Q. Would you have any comments to make
21 concerning the present situation of apprenticeship in
22 your District which you would like to make and I am
23 referring to improvements which might be made in this
24 apprenticeship system?

25 A. Well one thing which could improve
26 the apprenticeship is that if the apprentices were
27 left completely to the pilots with authority on the
28 apprentices and discipline, it would be much easier for
29 pilots to deal with it rather than go through a third
30 party in order to come to the same result. Well if the



1 French

2 apprentices were receiving an official pay remuneration
3 each year, it would be much better also.

4 Q. You stated that there would be some
5 advantage if the pilots had an efficient control or
6 effective control of the apprenticeship system. How
7 would this improve the apprenticeship system?

8 A. Well at the present time, for instance,
9 an apprentice -- well a pilot cannot give much order to
10 the apprentice because his reply will be I am not an
11 apprentice of the pilot. I am an apprentice of the
12 Government.

13 THE CHAIRMAN: Federal or Provincial?

14 THE WITNESS: Federal. Well the Government
15 being the authority, the pilots have not much power,
16 direct power on the apprentices and it would be more
17 interesting for the pilots to show apprentices, who
18 were their own apprentices, personally to show them the
19 river and be proud and responsible for such apprentices.
20 Be responsible for them if something was going wrong later,
21 but at the present time if an apprentice is not working
22 properly, they will say oh well it's an apprentice of
23 the Government. It isn't our own apprentice.

24 THE CHAIRMAN: Do you mean by this that a
25 pilot will always have the same apprentice?

26 THE WITNESS: No, not necessarily. They would
27 work, travel with all pilots but they would have -- we
28 could give them some line of conduct directly without
29 having to go through a third party.

30 Q. At the present time, to your knowledge,



1 French

2 what supervision, direct supervision is exercised by the
3 Pilotage Authority on the apprentices?

4 A. Well by the Pilotage Authority, I
5 don't think there is much supervision. We rather rely
6 upon the pilots to do the supervision of the apprentices.
7 Before boarding a ship, they are relying on the information
8 that can be given by the pilots on the number of trips
9 made by the apprentice. Well there is no other super-
10 vision.

11 Q. Thank you.

12
13 DIRECT EXAMINATION BY MR. LANGLOIS:

14
15 Q. Mr. Lafleur you have stated at the
16 beginning of your evidence that the improvement in the
17 apprenticeship system had been made necessary because
18 of the modern equipment. Do you refer to the electronic
19 equipment?

20 A. Yes, partly.

21 Q. Like the radar, Decca, et cetera?

22 A. Yes. Radar, Decca, sounding machines,
23 all the new instruments.

24 Q. Well would it include the Loran?

25 A. Yes, but we never use that.

26 Q. Is it also the increased size and
27 speed of vessels, is that another reason for requiring
28 improvement of the apprenticeship system?

29 A. Yes. Well of course improvement of
30 vessel requires improvement with what goes with it.



1 French

2 Q. Should I conclude from it, Captain
3 Lafleur, that in spite of these improvements in the
4 electronic equipment and navigation aids, the navigation
5 is still very difficult on the river?

6 A. Certainly, because these are instruments
7 which do not operate all the time.

8 Q. You also stated that there were many
9 apprentices whose names had been deleted from the list.
10 Was there any particular reason for this?

11 A. Particular reason? Well at first when
12 the new system was in force, we wrote to each of the
13 apprentices who were on this list, who were applicant
14 apprentices rather. We wrote them, asked them whether
15 they were interested to remain on the list and there
16 were several who replied that they were not interested
17 any more to remain on the list. This was done by reg-
18 istered letter and as soon as they said they were not
19 interested any more, their name was deleted.

20 There were others, well the law said they
21 were supposed to report at least once a year. They
22 did not report for two or three years and finally,
23 well since they were not reporting, and the regulations
24 said they could be deleted, so we did delete them and
25 we had no difficulty with them. Nobody who had been
26 deleted from the list then wrote and said that they
27 wanted to remain on the list. We never had any case
28 like that.

29 Q. Well did you contact them?

30 A. Well some of them we had lost their



1 French

2 address and for years we tried to get their address and
3 never heard from them.

4 Q. Then you deleted them for some time
5 from the list?

6 A. Well those whose addresses were not in
7 our possession, well we had to wait for a while and
8 try to send a registered letter to the last address we
9 had of these people, explain to these people what had
10 happened, and that they had been deleted so they had
11 an opportunity to make some protest, if they had any
12 reason to do so.

13 Q. I understand then that names were
14 never deleted arbitrarily?

15 A. No.

16 Q. Did you get any protest from these
17 people who were deleted from the list?

18 A. No, not a single one.

19 Q. Now in your selection of candidates,
D2 20 or applicants for apprenticeship, do you make an
21 investigation on the moral qualities of the applicant?

22 A. Well following them from the age of
23 16 or 17, when they enter the Rimouski school, they are
24 followed until the end of their work, and we have a
25 very good idea of their moral qualities.

26 Q. Well the apprentices under the old
27 system were not required to attend winter courses.
28 Is there a reason for that?

29 A. Well these people have to earn some
30 money and most of them have very good certificates and



1 French

2 whenever they could use it in the winter, they will find
3 a position as mate on board a vessel. Some others go
4 as captain or 1st or 2nd mates on board the vessels and
5 that is why we do not get them.

6 Q. Well the fact that they have examinations
7 in the winter, is there anything which forces them to
8 attend these courses?

9 A. Well those who did not attend them
10 passed very well the examination because these courses
11 are not too difficult. These are things, kind of
12 refresher courses for them. These people already have
13 certificates as mates.

14 Q. Well do the apprentices attend these
15 courses, the winter courses?

16 A. Well two of them were already teaching
17 and after, four or three of them did not come because
18 they had left as officers on board vessels.

19 Q. Do the apprentices ask to be excused
20 from the winter courses because they want to get
21 specialization or advanced courses elsewhere?

22 A. Yes. We have one who already asked
23 for permission. He left for England to be a foreign
24 captain, to get his examination on that.

25 Q. Is this winter course to prepare for
26 the annual examination?

27 A. Well it is -- the aim is to help them
28 and keep them in good shape because usually the examination
29 in navigation, et cetera -- well if there are several
30 years when they have not done any work, well it is more



1 French

2 difficult for them than to pass an examination.

3 Q. Captain Lafleur before the establishment
4 or the introduction of these winter courses, was the
5 apprentice sent to any particular vessel or any course
6 or did he know what he had to study?

7 A. Well he had no idea. He was learning
8 all kinds of things for nothing and sometimes he did
9 not learn enough, also.

10 Q. Were these winter courses to direct
11 the studies of the apprentices?

12 A. Yes. This is to give them an idea
13 of what they will get at the examination.

14 Q. Well when you refer to failures on
15 the examination for applicant apprentices, are there
16 any possibilities to catch up later?

17 A. Yes, of course, up to the age of 45.
18 One has suggested in the brief concerning the new
19 regulation, one has suggested to the Authority that after
20 three trials a man would be eliminated definitely and
21 leave it for other people, but this was deleted. I
22 don't know why.

23 Q. Was it a suggestion that you made
24 to the Authority which was not followed?

25 A. Well that is right. It was not
26 followed.

27 Q. You have said, I think, this applies
28 to both the examination for apprentices as well as
29 pilots. You mentioned that there was always
30 unanimity to stop some applicant. Was there the same



1 French

2 unanimity for a decision whether an applicant should be
3 admitted as an apprentice or pilot?

4 A. Well when a candidate comes, he knows,
5 or he doesn't know. It is not a question of 70 per cent
6 oral examination. He must know a 100 per cent, so it
7 is not very difficult to know.

8 Q. So there was not any dissidence in the
9 majority of the Board?

10 A. No. I don't say it could not happen
11 but it was never any cases like that and I couldn't see
12 any.

13 Q. Well since the new system is in force,
14 how many pilots were admitted under the new system?

15 A. Well I will have to look into this
16 in order to give you a correct answer.

17 Q. Could you give us an approximate
18 figure? 10? 15?

19 A. About a dozen.

20 Q. I am informed that it is 13. Now you
21 referred to the apprenticeship on this training vessel.
22 Did I understand correctly your evidence when you said
23 that five days, you said it was only five days on the
24 training ship?

25 A. No. It was ten days. When I said,
26 when I referred to five days, I said I was an instructor
27 for five days only on that ship.

28 Q. Well this is done only within your
29 District for 10 days, consecutive days a year?

30 A. Yes, and of course we were working at
the clearing marks at the side of the channel.



1 French

2 Q. Now the apprenticeship which is done
3 during these 10 days, it consists of doing navigation,
4 docking?

5 A. Well it was mostly docking and we were
6 doing all the marks which existed in the Saguenay and
7 the St. Lawrence on both sides, the south channel, the
8 north channel to show them that there were shoals, and
9 so on, in those places and we were giving all the second-
10 ary ports, or harbours along the river where we know
11 that vessels do not go so that an apprentice would not
12 go, for instance, to Pointau Pic or places like that as
13 an apprentice and apprentices were doing soundings and
14 drawings, et cetera.

15 Q. Were the students or trainees required
16 to do a chart navigation, et cetera?

17 A. Sometimes we took an apprentice, put
18 him in the sounding machine and we had the vessel turning
19 in various directions and then we informed him the
20 direction of the vessel and he had to do a pilotage with
21 the sounding machine only so I think that the captain
22 would not like us to see him in the sounding machine,
23 the chartroom and do these sounding machine navigations
24 but we could do that on board the training vessel. We
25 couldn't do that with a freighter. Sometimes we could
26 do it with fog and we may have to do that.

27 Q. Well if you did not have fog during
28 the period, did you ask the apprentice to work on the
29 radar with the shield or screen in front of him?

30 A. Well the first year we had asked for the



1 French

2 wheelhouse completely closed. They were supposed to do
3 it, but the following year we had no vessel, so we did
4 not have any possibility to do training on this.

5 Q. In addition to this practical apprent-
6 iceship as navigator, did the trainee actually go on the
7 watch?

8 A. Well he was in charge of the vessel
9 all the time except with the officer who was supervising
10 here and the captain on the ST. BARNABÉ, the one who
11 was attached to the vessel.

12 Q. Were there any mooring manoeuvres?

13 A. Well we were trying to practice
14 everything that may happen on board a commercial vessel.
15 It was very practical for the apprentice.

16 Q. Then I understand Captain Lafleur that
17 your students were not schoolboys, of course. Some of
18 them had a certificate of a foreign-going captain, but
19 they were closely supervised?

20 A. Well yes, because a certificate of
21 foreign-going vessel and pilot's certificate are not the
22 same.

23 Q. This teaching on the practice of the
24 apprenticeship on the training ship, could the same
25 apprenticeship be given on the merchant vessel?

26 A. Impossible, unless the captain goes
27 to the other end.

28 Q. Now the system of apprenticeship which
29 was established since the elimination of the ST. BARNABÉ
30 and which consisted in landing students on the coastal



1 French

2 vessel for a certain number of months, could this be
3 applied to the apprenticeship of pilots?

4 A. Well I didn't understand correctly.
5 Could you repeat the question?

6
7 --- (FRENCH REPORTER READS BACK QUESTION.)
8

9 Q. Well Mr. Lafleur maybe you are not
10 aware of the system which was established in the spring
11 of 1963 by the Marine school of Rimouski to replace
12 training which was given on the ST. BARNABÉ, I'm speaking
13 of regular school system, the one establishing a new
14 system, under which the school asks the owner to take
15 on board their vessel for one month a student of the
16 school to train him and when the student is on the
17 Merchant vessel, he gets an allowance of \$5 or \$10 a
18 day from the Provincial Government. Could this system
19 be adapted to the apprenticeship from the point of
20 view of pilotage?

21 A. No, I don't think so because for a
22 student who is at the Rimouski school, these are young
23 people who are learning the basis of navigation, how to
24 moor a vessel, et cetera. It is no longer pilotage,
25 so they couldn't take an apprentice pilot and send him
26 on a vessel who might go once and a while through the
27 river.

28 Q. Couldn't the same apprenticeship be
29 obtained on a Coastguard vessel, for instance the
30 icebreaker which is not too busy?



1 French

2 A. Well provided they give us a good
3 ship, no matter whether an icebreaker or a training
4 vessel, it doesn't matter provided it has all the
5 instruments.

6 Q. Is a vessel like the ERNEST LAPOINTE,
7 which is not too busy in the summertime, could it be
8 lent for 10 days?

9 A. Well I think, yes, but it is up to
10 the Government to decide.

11 Q. Couldn't it do the same thing as the
12 ST. BARNABÉ since it has only one propeller for
13 manoeuvring?

14 A. Yes, because if we take an apprentice
15 and let him manoeuvre, once it is a little bit close,
16 he loses his -- then he loses his confidence but I think
17 the ST. BARNABÉ came back. It was fairly useful in
18 many cases.

19 Q. If I remember correctly, the ST. BARNABÉ
20 was a vessel with two propellers?

21 A. Yes, two propellers which were turning
22 the same way. For a training vessel it is not very
23 good.

24 Q. Well wasn't this done in order to make
25 the apprenticeship more difficult?

26 A. I don't know. I think it was a mistake.
27 It could be manoeuvred and this was making it fairly
28 complicated.

29 Q. Now during this apprenticeship period,
30 were there perhaps any courses or lectures or were there



1 French

2 any recommendations or suggestions made to the students
3 insofar as discipline at sea was concerned?

D3 4 A. Well while on the vessel it isn't
5 so much disciplinary aspect of it, it was tackling rather
6 the practical aspect. We tried to put into practice
7 a theory that had been taught during the winter. We had
8 to keep a certain discipline on board the ship. We
9 had no discipline whatever, discipline-wise.



RPS

1 French

2 Q. There were some strict rules to
3 be followed?

4 A. Yes, each apprentice is required to
5 do his watch like a mate. Everybody was forced to be
6 present in the wheelhouse every time there was a
7 manoeuvre. We had no trouble with discipline. We
8 didn't think it was a good idea to stress that fact
9 because everybody was interested. There was no need
10 for disciplinary measures.

11 Q. Now, Captain Lafleur, I get back to
12 this apprenticeship done on the vessel of a company
13 with a licensed pilot, does the pilot who is with him
14 on board in the course of the trip as apprentice, does
15 he give an evaluation about this apprentice?

16 A. You mean give the result about this
17 trip attended by an apprentice, no. There is a
18 place on the pilotage cards for comments, but it is
19 reserved for the comments of the captain or the master
20 or for the pilot about the captain or the master.

21 Q. Do you think that the Board of
22 Examiners would ask a pilot who had an apprentice with
23 him on board more often than any other, before making
24 a definite choice, what he thinks about that pilot?

25 A. This wouldn't be a good idea, but
26 so long as the Board of Examiners so authorize because
27 at the present time the Board of Examiners would only --
28 how shall I say it -- suggest or make recommendations
29 to the apprentice but may not apply any disciplinary
30 measures against the apprentice, so it wouldn't be helpful.



1 French

2 Q. Do you think, Captain Lafleur, if you
3 had strict control for apprenticeship that you recommend,
4 you as a pilotage organization, couldn't you have a
5 system which would allow you to receive the evaluation
6 of your colleagues concerning the value of apprentices?

7 A. This would be easy because we only
8 need a kind of form which would be used, each trip with
9 the comments of the pilot on that card. There wouldn't
10 be any trouble about that.

11 Q. You think it would be good?

12 A. Yes, it is an excellent idea and
13 oftentimes a pilot wouldn't be there to submit a report
14 where if we had a sheet or form such as indicated perhaps
15 he would do so.

16
17 CROSS-EXAMINATION BY MR. MAHONEY:

18
19 Q. Captain, just a few questions to add
20 to what my friend just asked about, the training ship
21 programme. I thought that Mr. Langlois had covered
22 almost every aspect, but I am afraid I still have one
23 or two more questions on it. As I understand it the
24 apprentices who go on that cruise or went on that cruise
25 when it was available are all people who have
26 certificates; is that correct?

27 A. That is correct.

28 Q. In other words . . .

29 A. Our apprentices have to have
30 certificates before they start. The apprentices all have



1 English

2 certificates.

3 Q. So these are people who have had a
4 considerable experience in ship handling?

5 A. Well, not necessarily in ship handling;
6 they may have had, maybe as an apprentice, but they
7 may have had some, not necessarily as a master.

8 Q. You did state in your testimony, I
9 think that you said that one of the major advantages
10 of a ship was to practice docking and undocking?

11 A. Yes.

12 Q. Is that actually so?

13 A. Yes, it is very handy because they
14 can see the currents that are at the different wharves
15 around our District. They might have manoeuvred some-
16 where else, but maybe have never manoeuvred at the
17 specific wharves where we are going.

18 Q. Isn't the primary purpose, wasn't
19 the primary purpose of this training ship to familiarize
20 apprentice with the marks on the River?

21 A. The marks are still important, but
22 it is still handy they learn manoeuvring, how to use
23 the boats, all kinds of things.

24 Q. In order of importance which would
25 you say was the most necessary, the ship handling
26 experience or the actual location of marks in the river,
27 the ability, for example to go on and off a channel?

28 A. I would say the marks would be the
29 main part of it.

30 Q. And for such a purpose, the sort of



1 English

2 vessel which you would require for such a purpose
3 wouldn't necessarily be a large vessel? In fact, a
4 small vessel would be better would it not?

5 A. Not necessarily -- smaller -- provided
6 you have enough room to hold everybody on board and
7 give instructions on board.

8 Q. It would be an advantage to have a
9 ship say of shallow draught which could actually go
10 off the channel?

11 A. That is right.

12 Q. I am trying to tie down the sort of
13 ship which would be ideal for this purpose and I
14 take it it is your opinion that a small vessel would
15 serve adequately providing there was sufficient
16 accommodation and room in the wheelhouse?

17 A. Yes, it would.

18 Q. Now, Captain Lafleur, the apprentice-
19 ship system which has been developed in the past two
20 or three years -- I take it from your testimony,
21 generally, that you feel that this system will improve
22 the quality of pilots which seem to be available in
23 the future?

24 A. It will improve them and it will also
25 help the apprentices quite a lot.

26 Q. In other words by use of a system
27 such as this I take it you feel this is a good system?

28 A. Yes.

29 Q. By the use of a system such as this
30 you feel that eventually you will obtain better pilots;



1 English

2 is that correct?

3 A. They will keep up with the times.

4 Q. In other words everything is becoming
5 more technically difficult and this form of apprentice-
6 ship system will enable them to keep up with the
7 times?

8 A. Yes, it will improve the situation.

9 Q. And be good pilots in more technical
10 circumstances?

11 A. That is right.

12 THE CHAIRMAN: It will give them also
13 encouragement and security because otherwise before they
14 never knew whether they would be accepted. This time
15 they have a certain security that they didn't have
16 before. Isn't that so?

17 THE WITNESS: That is right, sir.

18 MR. MAHONEY: Q. Do I take it, Captain
19 Lafleur, from what you said that no apprentices have
20 yet received their certificates who have been fully
21 under this system; is that right?

22 A. Well, yes. They weren't under the
23 system but they have all those qualifications -- we
24 have quite a few who are certified that were two years
25 in this, did the apprenticeship and everything.
26 We have quite a few.

27 Q. In the next year or the next two years
28 you would then have apprentices becoming pilots who
29 have been completely under this system; is that right?

30 A. Yes, we will have then, but we have



1 English

2 some now also even though the system wasn't in force.
3 There are quite a few of the pilots that did go to
4 school in Rimouski about two years ago and served their
5 time and then finally became a pilot, and passed their
6 examination. In fact this helped us with the idea
7 of starting that because we could see that everybody
8 that came from that school was really on the ball.

9 Q. How many pilots who are now practising
10 would you say have gained the equivalent of that system?

11 A. Oh, let us see, I would say about
12 twelve. I would have to count. I might be out one way
13 or the other.

14 Q. Just approximately.

15 A. About twelve, I think.

16 Q. Not trying to tie you down, out of
17 what total number of pilots?

18 A. Pardon me?

19 Q. Out of the total number of how many
20 pilots?

21 A. Out of a total of 77.

22 Q. How long would you say, Captain
23 Lafleur, it would be before most of the pilots in the
24 District have been through this system?

25 A. It all depends on how the Authority
26 lets us get some pilots. If they work as it has this
27 year it is going to take a long time because we can't
28 get any more pilots.

29 Q. Based on past years, the number of
30 pilots?



1 English

2 A. You can say not very long about two,
3 three years because fellows came in already are down to
4 one year in Rimouski, next year they will have to have
5 two years, couple of years the apprentices will all be
6 on the system.

7 Q. I agree. I am asking you, Captain
8 Lafleur, how long will it be before out of the total
9 number of let us say 70 or 80 pilots in the District
10 that the majority of those pilots will have gone
11 through this system?

12 A. Well, if we receive an average of
13 five or six pilots per year and you would have 60 left
14 that didn't go through the system it would take five
15 years -- 12 years.

16 Q. What it be as much as five or six
17 a year?

18 A. If I had my way it would.

19 Q. On the average in the past it has
20 been that high?

21 A. The average in the last twelve years
22 is about 4.

23 Q. 4. On an average of 4 per year
24 it will probably be 15 years. Would you agree with that
25 figure?

26 A. Of course, if you take it that way.

27 Q. About 15 years before the majority
28 of pilots in the District have had the benefit of
29 this apprenticeship system?

30 A. That is correct.



1 English

2 MR. LALONDE: My lord . . .

3 MR. MAHONEY: I am asking if he agrees.

4 THE WITNESS: Yes, I agree.

5 MR. LALONDE: The witness has answered, he
6 said there are four retiring every year, and he says
7 on that basis that it will take 15 years before replacing
8 all the pilots who don't have the training. There would
9 be 60 left and four a year would make fifteen. My
10 friend asked whether in 15 years there would be a majority.
11 The witness stated they will all have retired.

12 MR. MAHONEY: Q. I am not even suggesting
13 that. I am saying that if on the average four new
14 pilots come in each year how long will it be before the
15 majority of all the pilots in the District will have
16 received this form of training. I think the witness
17 understood.

18 A. I understood. There is about 60
19 left that didn't go through the training, so you would
20 have to divide by four.

21 Q. Roughly fifteen years.

E2 22 A. I suppose so.

23 Q. Captain, you mentioned a bit earlier
24 ships belonging to members of the Shipping Federation
25 took apprentice pilots and paid them a gratuity; that
26 is correct.

27 Q. Do you know if any lake ships pay
28 apprentice pilots?

29 A. Well, some of the apprentices have
30 been on some of the lake ships or ships that belong



1 English

2 to those companies, and I don't think they have been
3 paid.

4 Q. They have been on board as apprentices
5 or do you mean that is their background?

6 A. They have been on board as apprentices
7 in some of the deep-sea ships that came in that have
8 been bought by the companies, and the fellows didn't
9 know they belonged to Dominion Marine and they went
10 on.

11 Q. I am talking about recognized forms.

12 A. They figured it was a Shipping
13 Federation ship. They went on board. When they sent
14 the bill they never got paid. They found out it was
15 because they belonged to the Dominion Marine and
16 they don't like to pay for apprentices.

17 Q. I am talking about lake ships.

18 A. Lake ships.

19 Q. I don't want you to give. . .

20 A. Imperial Oil owns lake ships and
21 they will pay.

22 Q. The Dominion Marine Association owns
23 foreign-going ships also -- I am interested in lake
24 ships, all the lake ships, recognizable as a lake ship,
25 do apprentices go on board?

26 A. On tankers like Shell Oil and
27 Imperial Oil, but the others don't go because apparently
28 they were trying to do away with pilots and if we sent
29 apprentices and made them pay they would make it harder.

30 Q. These are ocean going tankers?



1 English

2 A. No, lake tankers, lake tankers of
3 Imperial and Shell Oil use a pilot. They send an
4 apprentice and they pay.

5 Q. The apprentice goes on board the
6 ships and they pay?

7 A. Yes.

8 Q. Now, I would like some clarification,
9 Captain Lafleur, with regard to the system which was
10 in effect and the system which is now in effect for
11 choosing candidates for apprentices. I think you said
12 that under the old system the candidates apply to the
13 Corporation or to the Board of Examiners.

14 A. On the old system, no, I didn't say
15 that. They didn't apply there. They applied to the
16 Regional Superintendent.

17 Q. They applied to the Regional Superint-
18 endent?

19 A. Yes.

20 Q. Now, when you have an opening for a
21 certain number of candidates you advise the Pilotage
22 Authority and the Pilotage Authority advertises; is
23 that correct?

24 A. The Board of Examiners advises the
25 Authority, and then the Authority if they decide so,
26 advertise in the papers, and then the candidates come
27 along.

28 Q. At that stage the system is really not
29 different except it is more public?

30 A. It is different also because they



1 English

2 show up -- it doesn't mean they come and put their name
3 on the list and never go to sea. They are going to
4 sea and we know if they do. We know whether they go
5 to the Marine school. If they don't they are off the
6 list. We had fellows on the list for years who had
7 never gone to sea.

8 Q. In other words you ask at that stage
9 whether they propose to go to the Marine school?

10 A. That is right, and if they accept
11 to go then we will get their names as propects for
12 future candidates of apprenticeship.

13 Q. Isn't it at that stage they become
14 candidates?

15 A. They become candidates at that stage
16 but whether they ever become apprentices we don't
17 know.

18 Q. I appreciate that. At that stage they
19 become candidates?

20 A. Candidates, but not on the list, not
21 on the list where they keep their seniority -- they
22 used to keep seniority. Whether they went to sea --
23 we have their name and they might become an apprentice
24 later on.

25 Q. Without going through that stage you
26 never can become an apprentice?

27 A. That is right.

28 Q. So, although you may have a tentative
29 list and a definite list, no one appears on that
30 definite list unless they are to be an apprentice?



1 English

2 A. Unless they have all the qualifications.
3 They are either mate home trade or second mate foreign-
4 going.

5 Q. And the discretion as to whether they
6 will be on the list, that discretion is with the Board
7 of Examiners?

8 A. That is correct.

9 Q. And the Board of Examiners, just to
10 clarify the situation, there are three representatives
11 of the pilots?

12 A. And two of the Department of Transport.

13 Q. Two of the Department of Transport,
14 so that, in fact, without suggesting anything, on the
15 basis of majority the discretion is with the pilots?

16 A. Yes, if you want to take it as votes.
17 It is always -- the Board of Examiners, they make
18 suggestions to the Authority. We don't give definite
19 orders.

20 Q. No, of course not.

21 THE CHAIRMAN: In the case of the majority
22 vote, where the D.O.T. officers will be against it,
23 I don't see how the Minister is going to vote for it.

24 MR. MAHONEY: Q. I was going to suggest
25 that. If I might ask you the next question: I take
26 it that it never comes to a question of voting?

27 A. Well, I don't know, it might when you
28 have -- it might on one candidate or something. I
29 think if the Board of Examiners, they would take a
30 fellow that has the best certificate, best schooling.



1 English

2 You are trying to get the best prospect as possible.
3 If you do it, you might choose 10 and want 11 -- you
4 might vote on the one. I don't think you would vote
5 on everybody.

6 Q. You have anticipated my next
7 question. I was going to ask if you had requirements
8 for 10 and, let us say, you had 15 applications, how
9 do you determine which of those 10 will be put on the
10 list as candidates?

11 A. That is what I was saying. You might
12 have a fellow that had all the qualifications already.
13 You would take them first, of course. If you have
14 young fellows you would look at the marks they had
15 at school and you might also have a kind of examination
16 right there for them to pass in order to choose the
17 one you want.

18 Q. Have you ever been faced with that?

19 A. No advertising has been put up and
20 it would take, I figure, before they finish that list,
21 a matter of about two or three years anyway and we are
22 already working on that, trying to find a way to select
23 right there and be fair about it and get the best
24 examination possible.

25 Q. So, you haven't really been faced
26 with this problem?

27 A. That particular part right there, no,
28 but you must realize that part of it isn't in force
29 yet.

30 Q. You say that no advertising has been



English

necessary as yet. Is that because you are still working on the old list?

A. We are still working on the old list, yes, but the old list reduces, of course, and most of the men we have on that list have certificates or sea time of some kind already and are interested.

Q. Yes.

A. There is 31 left.

Q. Captain Lafleur, I take it you said that the standards of technical knowledge which is required of an apprentice as is second mate foreign-going or first mate home trade; is that right?

A. That is right.

Q. That is the standard which is laid down by the . . .

A. That is minimum.

Q. I understood your testimony, that the pilots as a group, by the use of this apprenticeship programme, by the use of voluntary education, let us say, during the winter months are trying to improve that standard, not only for apprentices but for all pilots; is that correct?

A. That is correct.

Q. I thought you said, and correct me if I am wrong, that the standard which you are attempting to reach was that of home trade master; is that correct, that is technical standard?

A. For the examination -- not attempting to reach, because it has always been in the programme that



1 English

2 the examinations would be about the same thing as
3 Masters' home trade examination.

4 Q. Yes, the use of the word attempting . . .

5 A. Not trying to reach, sir, because
6 it has been before.

7 Q. The standard you wish to have is
8 master home trade; that is correct?

9 A. For examinations, yes, at least.
10 Mind you that is not what we are trying to do because
11 this has been the minimum for the examination before
12 also.

13 Q. But this isn't the minimum for exam-
14 ination under the regulations, is it?

15 A. Yes, it is.

16 Q. You told me a few minutes ago that
17 under the regulations the minimum is second mate foreign-
18 going or first mate home trade?

19 A. To get in as an apprentice, but it has
20 always been explained to pass the examination as a
21 pilot, the questions asked would be about the equivalent
22 of a Master home trade. That is always the way we
23 understood it.

24 Q. This isn't laid down? There is
25 no regulation which says that.

26 A. I couldn't find it right now. I
27 am pretty sure it is there.

28 Q. For a pilot?

29 A. It is not written in our syllabus.

30 Q. To become a pilot the Department of



English

Transport requires by way of certificate either second mate: foreign-going or first mate home trade?

A. That is correct.

Q. So that that is the standard not only for apprentices, but also for pilots?

A. That is the minimum standard.

Q. The minimum standard, so there is no minimum standard laid down by regulation of Master home trade, but this is actually the standard that you are attempting to set; is that correct?

A. Let us say, yes.

Q. Don't let me put words in your mouth. All I am getting at . . .

A. If we can reach a higher certificate we will be happy. There is no stage.

Q. But you have decided in your collective mind what the acceptable standards would be; isn't that right?

A. Nobody has decided that. That has always been taken as more or less -- maybe it wasn't written anywhere. This is the way we used to go before, instead of having the syllabus they used to tell us the examination will be about the same as of a Master home trade.

Q. So that is the standard?

A. Yes.

MR. MAHONEY: Thank you.



1 French

2 (THROUGH THE INTERPRETER.)

3 CROSS-EXAMINATION BY MR. BRISSET:

4
5 Q. Captain Lafleur, you made a comment
6 when my colleague, Mr. Mahoney asked you a question,
7 and this question sort of intrigued me and the comment
8 was the following, that a certain number of pilots
9 were retiring or would retire, and you stated if it
10 was up to us they would retire much faster?

11 A. I said if it was left to us there
12 would be more pilots at the present time because there
13 is a scarcity of pilots. I wasn't talking about pilots
14 being retired immediately.

15 Q. Let us go on to another subject, then.
16 You have talked about advantages which would be gained
17 by a Merchant Marine School in Quebec. When you
18 mention Quebec, am I to understand that you are not
19 talking necessarily about the City of Quebec, but the
20 school could be installed either in Levy, Lauzon or
21 near Quebec?

22 A. Yes, certainly it could be Cap Rouge
23 or Charlevoix, so long as it wouldn't be too far to
24 reach and it would be near the dry dock and so forth.

25 Q. Do you think it would be a good idea
26 if the school was installed near the shipyards at
27 Lauzon?

28 A. Yes, it would be a very good idea.

29 Q. These apprentices could go to the dry
30 docks easily and look at the work being done and study



1 French

2 at the same time?

3 A. This would be easy for them to under-
4 stand the construction of the ship by being there instead of
5 reading this.

6 THE CHAIRMAN: There is a technical school
7 there already at that site.

8 MR. BRISSET: Q. By numerating the advant-
9 ages of such a school, Captain, I am sure that you
10 have talked in favour of pilots and you wanted to tell
11 us what would be the advantages from the point of view
12 of pilots, eventually concerning security?

13 A. There would be an advantage for all
14 seamen there, not only pilots, because we are directly
15 concerned here. I think that if it is to the
16 advantage of the pilots then it is also the advantage
17 of the mates as well.

18 Q. This is the subject matter I wanted
19 to discuss with you. You would find in that school,
20 rather you find with such a school there would be
21 an advantage not only to pilots but also to students
22 who are training to become mates?

23 A. Certainly.

24 Q. Do you think that the pilots in the
25 District could even have precious help from the point
26 of view of teaching of students, for example, to do
27 coastal navigation on the river?

28 A. Well, this would certainly follow.
29 Certain pilots could be part-time instructors.

30 Q. In other words it would be easier for



1 French

2 the pilots of your District to offer their services
3 at the school?

4 A. Naturally if the school was nearby
5 because we can't go too far.

6 Q. Now, I was led to understand from
7 your evidence that you yourself, as well as the
8 Corporation of Lower St. Lawrence Pilots advocate
9 that, concerning the admission of applicants pilots
10 or the admission of pilots in the apprenticeship of
11 pilots that the Corporation advocate, is in favour of
12 having full control of these matters?

13 A. Yes, this is my opinion.

14 Q. In spite of having at the same time
15 control of the Pilotage Authority and the Corporation
16 of Pilots as it exists at the present time?

17 A. Yes, because sometimes confusion
18 arises out of such situations.

19 Q. For what reasons, do you think?
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/RPS 1 French

2 MR. LALONDE: Your lordship, perhaps it
3 would be a good idea to bring about a clarification of
4 what has been said by my colleague. Recommendation No. 9
5 of the pilots' brief states the apprenticeship system
6 is the responsibility of each Corporation and subject
7 to the approval of the Commission. Consequently, I
8 think there is part truth in what my colleague stated
9 by saying that it would be under the control of pilots,
10 or all the Pilots' Corporations but the recommendation
11 provides that apprenticeship plans are always under the
12 Pilotage Authority of Commissioner.

13 Q. In other words Captain, as regards
14 the explanation given by Mr. Lalonde, the apprenticeship
15 system established by the Corporation, and in your case
16 the Quebec Corporation would be, in the first place,
17 subject to the approval of the Central Authority. You
18 may call it the Commissioner or any other name but as
19 soon as you get the approval, if I understood your
20 evidence properly, then the absolute control concerning
21 the screening, selection and admission of candidates
22 would be left in the hands of the Corporation?

23 A. Either in the hands of the Corporation
24 or Board of Examiners.

25 Q. And in that case the Board of Examiners
26 would be composed only of pilots?

27 A. No, not necessarily sir. It could be
28 exactly the same composition as today.

29 MR. LALONDE: The recommendation provides
30 specifically the examinations are passed before a



1 French

2 Committee composed of an Examiner for Masters and Mates
3 of the Chief Pilot and of three pilots from the District
4 appointed by the Corporation. The names of the candidates
5 chosen by the Examinations Committee are transmitted
6 to the Commissioner who asks the Minister of the D.O.T.
7 the issuance or deliverance of the certificates or
8 licences.

9 Q. Mr. Lafleur just go through a process
10 of elimination. You told me that today under the present
11 system, the Pilotage Authority has certainly control,
12 insofar as what we have discussed until now, is concerned?

13 A. Yes. It has a certain control if it
14 wants to exercise it.

15 Q. Now for the future how can this control,
16 according to your recommendations, be decreased or how
17 would the Pilotage Authority take a lesser role in the
18 admission and training of apprentices, and so forth?

19 A. How?

20 Q. Yes. You are asking for a change in
21 the present system. You advocate a change. What I would
22 like to know is to what extent do you advocate that
23 the Pilotage Authority have a lesser part?

24 A. Well I think, I figured that the more
25 you will leave the responsibility to the pilots, well the
26 better the apprentices will be and everything will work
27 more smoothly.

28 Q. How would the Commissioner's authority
29 be restricted concerning these pilots once he will have
30 approved a system advocated by the Corporation of a given



1 French

2 District, for example, that of Quebec?

3 A. Well complaints from one side or
4 another, perhaps such complaints could be settled by a
5 Commissioner if the matter was important enough.

6 THE CHAIRMAN: Are you going to start
7 on another subject matter now? We are going to adjourn
8 because you have many questions to ask so we are going
9 to adjourn until a quarter to three and we will go on
10 until a quarter past five this afternoon.

11
12 ---LUNCHEON ADJOURNMENT.

13
14
15 * * * * *



IR/rps 1 French

2 ---FOLLOWING THE LUNCHEON ADJOURNMENT:

3

4 (THROUGH THE INTERPRETER.)

5

6 CONTINUATION OF CROSS-EXAMINATION BY MR. BRISSET:

7

8 Q. Mr. Lafleur you told us that during
9 the examination for admission to apprentice pilot during
10 the last two or three years since the new system is
11 in force, there were several candidates or applicants
12 who failed at the final examination. Could you tell
13 us about how many of them were refused as pilots for
14 having failed their final examination?

15 A. Four or five.

16 Q. You told us that these examinations
17 cover particularly three subjects, the first: knowledge
18 of the river in the District concerned. Second: Know-
19 ledge of navigation and of the rules relating thereto
20 and third: technical knowledge of instruments which
21 were used as navigation aids.

22 Could you tell me now in which field there
23 were deficiencies in the candidates who failed their
24 examination?

25 A. Well there were about all fields. I
26 think that the five who failed, failed in five different
27 subjects.

28 Q. In the case of the five candidates
29 who failed, I understand then that they did not succeed
30 in any of the three fields I just mentioned?



1 French

2 A. Well not necessarily because when they
3 fail in one of the fields, the examination is interrupted.
4 We don't go on with the examination.

5 Q. Well in the three fields from the point
6 of view of pilotage, which one is considered by the
7 examiners as the most important one?

8 A. Well by us it is necessarily the river.
9 The rest is to refresh the memory, such as navigation
10 but the main thing, the important thing is the river.

11 Q. And the rules of navigation?

12 A. Yes, of course.

13 Q. Is the final examination of a pilot,
14 what is considered -- do you take into account his
15 ability to manoeuvre a vessel, to moor a vessel? Is
16 there an examination on this particular subject? A
17 practical examination?

18 A. Well practical examination would have
19 to be made on board a merchant vessel. Perhaps the
20 Captain would not like that, to see the apprentice
21 practising docking his vessel. The only way we could
22 do it is through questionnaires and explaining to them
23 every time we make some docking.

24 Q. So the examination is purely theoret-
25 ical?

26 A. Yes.

27 Q. Well it is no longer in use.

28 A. But at the same time we know the
29 candidate, because he has been with us three or four
30 years and we let him do a number of pilotages in the river



1 French

2 and when it's for the docking itself, well it is very
3 seldom that we let him do that.

4 Q. Does the Board of Examiners pay any
5 attention to the ability of the applicant as regards the
6 manoeuvring of a vessel?

7 A. Technically, he is asked many questions
8 by pilots on this subject and he is also asked questions
9 by the Government examiners.

10 Q. Captain Lafleur when a candidate is
11 accepted for final examination, or his admission at the
12 Pilotage Department or Service, does the Corporation
13 or the pilots, do they consider him as able to do docking
14 or mooring?

15 A. Yes.

16 Q. He must, therefore, be considered as
17 able to do this work?

18 A. Yes, of course, because otherwise he
19 would not pass his examination.

20 Q. When were you accepted as a pilot?

21 A. 1952.

22 Q. I understand in 1960 you were elected
23 on the Board of Directors of the Corporation of Lower
24 St. Lawrence Pilots?

25 A. Yes.

26 Q. You were also elected as a Director
27 or Administrator of the Federation of the Lower St. Lawrence
28 Pilots?

29 A. Yes.

30 Q. You hold or have held that position for



1 French

2 the last three years? My colleague draws my attention to
3 the fact that the Corporation of the Lower St. Lawrence
4 Pilots was established in 1960 and, therefore, you would
5 have been elected as an Administrator only after this
6 Corporation came into being. That is at the election
7 1961?

8 A. Yes.

9 Q. January 1961?

10 A. Yes.

11 Q. Well in 1960, that is at the annual
12 assembly you were elected an Administrator of the
13 Association?

14 A. Yes, the Association because the
15 Corporation did not exist yet.

16 Q. In 1960 you were also Administrator
17 of the Association which already existed?

18 A. Yes. Rather in 1961. I don't remember
19 if it was in 1960 or 1961.

20 Q. In any event, you were interested at
21 that time in the improvements to be made in the apprent-
22 iceship system?

23 A. Yes.

24 Q. If I understood correctly, in your
25 testimony you told us that there are pilots of your
26 District who in fact were responsible for making these
27 improvements which were considered as absolutely necessary?

28 A. Yes. It's our Corporation.

29 Q. Are you aware of the fact that several
30 years before 1960 the Federation of Shipowners had made



1 French

2 suggestions for improvement in the apprenticeship system?

3 A. It may be, but I am not aware.

4 Q. Are you aware that the Shipping
5 Federation thought also that it had a word to say in
6 this field, particularly concerning admission of
7 applicant apprentices and eventually the admission to
8 pilotage of apprentice pilots? Do you know that?

9 A. Well I am aware that as soon as we
10 got interested in the apprentices, many other people took
11 an interest in it but before that I never heard about it.

12 Q. When you say before ---

13 A. Well when we began to be interested
14 in the apprentice pilots, and trying to improve that,
15 I am aware that the Shipping Federation wanted to be
16 represented in the examination, et cetera, but several
17 years ago, many years ago the Shipping Federation never
18 took any interest in myself when I was an apprentice.

19 Q. When were you an apprentice?

20 A. I think it was 1946 or 1948.

21 Q. And it is in 1960 that you began to
22 be particularly interested in the apprentices yourself?

23 A. Well as long as I was not on the
24 Board of Directors, I couldn't have any interest.

25 Q. Well it's in 1960 that one has established
26 the rules governing the new system?

27 A. Yes. No, in 1961.

28 Q. Are you aware that the Corporation of
29 Pilots in your District and the Federation of St. Lawrence
30 Pilots were against any word to be said by the Shipowners



1 French

2 on this subject?

3 A. Yes, I am aware of that.

4 Q. Could you give me your personal reasons,
5 and I am here asking you not to speak officially for the
6 Corporation, your reasons for such an attitude?

7 A. Well you say that the pilots are
8 opposed that you had any thoughts or ideas for the
9 apprentices. We are opposed that you be represented on
10 the examination.

11 Q. What are the reasons?

12 A. Well the reason is they are not
13 useful. Since you are not useful, I don't see what you
14 would be doing there.

15 Q. So you think that the Shipowners cannot
16 bring anything useful to such a field?

17 A. No, because there are already represent-
18 atives of the Government who are there to take the interest,
19 any interest of the public who have examinations for
20 navigation in other subjects but as regards the river
21 itself, as a pilot one needs to be a pilot to examine
22 a pilot.

23 Q. Well now I am coming back to a question
24 we have already discussed now that the Corporation of the
25 Pilots in your District seems to wish to take under its
26 wing the scheme of applicant apprentices. What is the
27 share, in your personal opinion, that should be or the
28 part that should be played by the Pilotage Authority in
29 this field?

30 A. Well supervision, and also being the



1 French

2 final authority.

3 Q. Could you explain to me to what extent,
4 up to what extent this supervision should, in your
5 opinion, be exercised or carried out by the Pilotage
6 Authority?

7 A. To what extent? Well if in the opinion
8 of the Commissioner or it would be in the public interest
9 to have an inquiry to see that the pilots do not deal
10 very well with their own business, and that the apprent-
11 iceship, instead of improving was getting worse, well then
12 we would have to interfere but if I think there is
13 improvement and there is no complaint, I don't see why
14 you should interfere.

15 Q. Don't you think that in those fields
16 public interest is involved since, in the final analysis,
17 the professional pilots, which they are, do render a
18 public service?

19 A. Well public interest is involved in
20 many cases, not only in the case of pilots.

21 Q. Do you accept it in the case of pilots?

22 A. Yes.

23 Q. But you wouldn't go as far as to
24 admit that the shipowners who in a way benefit from the
25 service of pilots, have any interest in the field of
26 selection of pilots, their admission, their training?

27 A. Well they would be personally interested
28 in their own advocate or counsel but do they attend your
29 examination?

30 (THE INTERPRETER: Mr. Langlois is not speak-



1 French

2 ing into the microphone and cannot be interpreted.)

3 THE CHAIRMAN: Well it's the way you present
4 the case, the way you plead the case. If we go back
5 into history of trade we will see where this attitude
6 stems from. All commercial laws were administered by
7 the merchant or trading people themselves and this is
8 one system and there is a conflict between this system
9 and another system at the present time.

10 Q. Well Captain are you aware of the
11 brief which was submitted in June 1960 following the
12 brief submitted on 4th April 1960 which is Exhibit 696
13 and which dealt particularly with apprenticeship admission
14 and selection of applicant apprentices?

15 A. Yes.

16 Q. I would like here to quote a few
17 extracts of this submission before asking you questions
18 relating to the statements made, and I am quoting from
19 this brief dated -- let us say June 1960 until I find
20 the proper date. 7th June 1960, and I am quoting:

21 "A question of vital importance was

22 "raised following the various oral or

23 "written statements received during recent

24 "months from the Department officials and

25 "lately from the Minister of Transport him-

26 "self. This question is that the Department

27 "is proposing to give representation to

28 "shipowners or their representatives on

29 "board whose duties are to examine candidates

30 "to be admitted as students of pilotage, as



English

"apprentices and finally as pilots.
"The Federation of the St. Lawrence River
"Pilots in each of the Association or
"Corporation of Pilots, who are members
"of the Federation, are strongly opposed
"to the Department's proposals. They are
"against this proposal for the following
"reasons: First, never in the past the
"Shipowners or their representatives have
"been allowed to be represented on the
"examining board for admission to pilotage
"in the Pilotage District of Montreal and
"Quebec and Below. Notwithstanding the
"absence of the Shipowners, or their
"representatives, this has always remarkably
"functioned. It is to be noted at this
"point that if the apprenticeship scheme
"is presently carefully studied, this has
"been due to the sole initiative of the
"pilots themselves who have, in doing
"so, shown a high level of professional
"responsibility."

(THROUGH THE INTERPRETER.)

With respect to the last quotation, I am
repeating the question already asked: Isn't it true that
the Shipping Federation had itself stressed that improve-
ments should be made in the apprentice system in the
Quebec District, particularly before the date of this
brief?



1 French

2 A. Well I don't remember that they had
3 made such suggestions but the improvements themselves
4 were never explained in detail, as far as I know.

5 Q. Well in any event you believe that all
6 the merit of the improvements which were made should be
7 attributed to the pilots?

8 A. Yes.

9 Q. I would like to quote another extract:

10 "Finally it is strongly emphasized by
11 "the Federation of the St. Lawrence River
12 "Pilots that the right of the various
13 "groups of pilots to be the only ones, in
14 "collaboration with the sole officers of
15 "the Department of Transport, to have the
16 "responsibility of examining the candidates
17 "to pilotage is a right which has been
18 "established and recognized by everybody
19 "for a long period of time and which has
20 "brought the most satisfactory results over
21 "the last 100 years. Any attempt to derogate
22 "from that right would not only be outrageous
23 "but would also result in giving an undue
24 "control over our pilotage system to foreign
25 "interests as represented here in Canada
26 "by the Shipping Federation."

27 (THROUGH THE INTERPRETER.)

28 So that I understand, and here I am asking
29 again your personal opinion, that if the maritime interests
30 were not foreign interests, you would find it legitimate



1 French

2 that the maritime industry interfere in this field?

3 A. I don't think it would change anything.
4 I don't think whether the shipowner is foreign or
5 Canadian, I don't think he could do anything in an
6 examination.

7 Q. Well is it not on the basis, I don't
8 say here it is wrong or not, that the interests are
9 foreign that you refuse, your personal opinion, the right
10 to the shipowner to interfere?

11 A. No, certainly not because of that only.

12 Q. Captain Lafleur I would like now to
13 refer you to Article 40, sub-Section B of the regulations
14 of the Corporation of St. Lawrence Pilots which reads
15 as follows, speaking about the Committee on Admission
16 and Promotion and I am quoting:

17 "It co-operates with competent
18 "authorities to ensure the continuation of
19 "any program of study or training which
20 "could be imposed on applicants and apprent-
21 "ices and apprentice pilots and appoints
22 "to that effect those pilots required as
23 "instructors."

24 Concerning this last sentence, could you
25 explain to me how this is applied or implemented?

26 A. Well as I said before, in general you
27 are speaking of the By-Laws of the Committee of Admission
28 and Promotion. In general this Committee dealt strictly
29 with apprentices to appoint instructors. It is also
30 dealing with apprentices and this Committee deals with --



1 French

2 goes around, talks to the pilot and tries to find out if
3 they want to give them lectures or courses. Not too
4 many of them are ready so when the Board of Examiners
5 go around and prepare the schedule and then informs the
6 apprentices at what time there will be a lecture on
7 navigation, one on the river, et cetera, so the schedule
8 is or the timetable is prepared one month and a half
9 beforehand.

10 Q. If I understand correctly, this By-Law
11 provides that the pilot would be an instructor of the
12 apprentice on board the vessel which would be piloted
13 by the pilot?

14 A. Not on board the vessel. Here it
15 doesn't say whether it should be on board the vessel
16 or not. If you have lectures, well this Committee will
17 try to find instructors but they will not decide who
18 will teach on board a vessel.

19 Q. Well then my first interpretation was
20 wrong here. You are referring to pilots who will give
21 lectures at the Rimouski school during the winter to
22 apprentices who will want to attend these courses?

23 A. Well not necessarily the Rimouski
24 school. It's Quebec, in the District of Quebec.

25 Q. Well some of these lectures were
26 given at the Rimouski school?

27 A. No.

28 Q. It was done in Quebec City?

29 A. At Quebec. In Quebec itself.

30 MR. LANGLOIS: I am sorry to interrupt but



1 French

2 I would not like my learned colleague to confuse the
3 lectures that the apprentices must attend with the courses
4 which are given by the pilots and which last in the winter
5 one month and a half.

6 THE CHAIRMAN: Well these are the lectures
7 given prior to apprenticeship in Rimouski.

8 Q. Well if in the Rimouski school, which
9 is now mentioned, if this school was transferred to
10 Quebec City would you foresee that the lectures given
11 to the apprentices in the winter could be given at the
12 Marine school?

13 A. Yes. That is why we want another
14 school in Quebec City. It would not be necessary to
15 transfer the other school because it is already full,
16 but another school at Quebec City, of course lectures
17 could be given in that school.

18 Q. You have told us, if I understand
19 correctly, that it was important or essential for the
20 apprentice pilot to familiarize himself with the navigation
21 aids or electronic instruments, the modern ones which
22 are found on board vessels?

23 A. Yes.

24 Q. Lectures given in the winter by
25 instructor-pilots to apprentice pilots, do they deal
26 with these subjects?

27 A. Well in theory only because, for
28 instance, the radar, et cetera, we haven't got them in
29 Quebec City so we cannot make a demonstration in practice.
30 It is only theory. When we had the ST. BARNABÉ we could
do some work because we had the instrument on board.



PB/RPS 1 French

2 Q. Did the pilots, concerning this
3 winter course, ever envisage or contemplate the
4 possibility of having experts on radar and on Decca?

5 A. Again on the ST. BARNABÉ when these
6 lectures were given they were given by experts, the
7 radar course was by radar experts.

8 Q. Well, when these courses were given
9 in the winter in the City of Quebec the pilots them-
10 selves were the instructors and not experts coming from
11 outside?

12 A. No.

13 Q. Did you ever envisage the recruitment
14 of experts to give winter courses to the pilots?

15 A. Yes, the question has been considered
16 because we asked for a vessel to have such a possibility.

17 Q. Do you think it would be good for the
18 pilots themselves, those who were active pilots to
19 follow a course from time to time during the winter
20 season, a course in the field of radar, Decca and all
21 the different modern instruments?

22 A. Certain follow these courses, certain
23 courses given in the organization and the pilots follow
24 radar courses given by experts in Rimouski, but not
25 as great an amount as if the school was in Quebec City
26 because we have to leave home in the whole summer and
27 we would have to leave again in the winter to go to
28 Rimouski. These are complications.

29 Q. But even with the circumstances I
30 understand then that you would deem it advantageous for



1 French

2 active pilots to be informed about current developments
3 in those fields?

4 A. Yes, it was advantageous because there
5 is always progress in technology.

7 DIRECT EXAMINATION BY MR. LANGLOIS:

8
9
10 Q. Your lordship, a last question before
11 my learned friend Mr. Jacques starts his cross-examination:
12 Captain Lafleur, are you aware about the recent
13 establishment of a Naval Architectural School in
14 Quebec?

15 A. No.

16 Q. If I told you that there was such
17 a school in Quebec and has been in existence two or
18 three weeks would you consider that would be an argument
19 in favour of another school in Quebec City?

20 A. It could help out.

21 MR. LANGLOIS: Well then I can tell you this
22 school is operational at the present time.

23
24 CROSS-EXAMINATION BY MR. JACQUES:

25
26 Q. Mr. Lafleur I am showing you a document
27 entitled timetable winter course for apprentices in
28 Quebec. Could you have a look at it?

29 A. Yes.

30 Q. Who prepared it?



1 French

2 A. The Committee on Admission and
3 Promotion.

4 MR. JACQUES: Your lordship, I would like
5 this document to be filed as Exhibit 732.

6 MR. LALONDE: Could you please repeat
7 the title of that?

8 MR. JACQUES: Timetable for the winter
9 course given to the apprentice pilots for the Quebec
10 Pilotage District.

11
12 ---EXHIBIT NO. 732: Timetable for the winter
13 course given to the apprent-
14 ice pilots for the Quebec
Pilotage District.

15 Q. This is for the year 1963?

16 A. Yes.

17 Q. Where there any similar tables prior
18 in some other years?

19 A. Yes, practically the same every year.

20 Q. Could you please explain the content
21 of the first entry for Monday January 14th, 1963 you
22 have the name Mr. Ross?

23 A. Well, this means during the morning
24 there will be a lecture given by Mr. Ross and in the
25 afternoon there will be a lecture given on charts and
26 field charts by Mr. L. Dufoe.

27 Q. And so forth for the rest of the
28 timetable?

29 A. Yes.

30 Q. Is this timetable complete for the whole



1 French

2 series of one course?

3 A. Yes, and it extends to the final
4 examination.

5 Q. This morning you told us after a
6 person has been admitted as an applicant this person may
7 have two years at the Rimouski Marine School and after
8 that must have a certificate of 1st mate home trade
9 or 2nd mate ocean going vessel. As soon as these
10 certificates are obtained this person must give their
11 name and their name is then placed on the assignment
12 list?

13 A. Yes.

14 Q. Is there priority granted to the one
15 who has a certificate of ocean going vessels as
16 compared to the mate on home trade?

17 A. No, there is no priority there.

18 Q. Does it take less time to obtain
19 the certificate for coastal navigation than it does
20 for ocean going ships?

21 A. Yes, about 12 months less. For
22 example you have there in Rimouski -- if you go to
23 the Rimouski school to obtain a certificate of
24 ocean going vessels the two years you have there will
25 be counted as 12 months at sea. If you want a
26 certificate for home trade then you still count for
27 6 months at sea, so the difference isn't as great
28 there. It is a difference of 36 months for one and
29 30 for the other, so there is only 6 months difference.

30 Q. So you need six months more in order



1 French

2 to obtain this certificate?

3 A. To pass through Rimouski school it
4 takes you six months more to obtain a certificiate
5 for ocean going.

6 Q. Do you consider the ocean going
7 vessel certificate of 1st mate or 2nd mate is superior
8 to that of 1st mate home trade?

9 A. Yes.

10 Q. Is there a preference or priority
11 granted to the ones who obtain the higher of the
12 two certificates, the name going on the list?

13 A. If you take a home trade, get his
14 name, and in the interim you have five new names
15 who have certificates on ocean going vessels, the first
16 one would have to wait until the others have been
17 over, but if the man is first mate on home trade,
18 will, we can't put his name on the list and keep it
19 on the list and as soon as one has a superior certific-
20 ate he would have priority over the other fellow.

21 Q. So the requirement is to have first
22 mate home trade certificate?

23 A. Yes, but if his certificate is
24 second mate on ocean going vessel, and the other is
25 first mate then you have to take both into account.

26 Q. Why don't you grant priority to the
27 one who obtains a certificate which is superior compared
28 to the other one?

29 A. Well, if they arrived at the same
30 time and the examination was on the same day, well it was



1 French

2 always that the total of points would be considered.
3 For example, in the case one would have priority over
4 the other one because he had a better mark, but since
5 he has applied and he has a certificate we couldn't
6 change his place all the time because he has a
7 navigational certificate.

8 THE CHAIRMAN: Consequently this is the
9 chronological order of priority on the list?

10 THE WITNESS: Yes.

11 MR. JACQUES: So, as soon as one has
12 obtained a certificiate well, he shows it to you and
13 his name is placed on the list.

14 A. Yes, he is qualified immediately.
15 He is eligible and then his name is placed on the list.

16 Q. What does the apprentice do after
17 he has completed his two years apprenticeship but he
18 is not a pilot as yet?

19 A. Well, he goes on doing his
20 apprenticeship. He is forced to obtain his 70 trips,
21 his movages and his ship manoeuvring and so forth.

22 Q. What is the pilot's most important
23 knowledge, by order of importance?

24 A. Well, the most important duty I
25 think would be to know the river completely well. That
26 is extremely important for manoeuvring the vessel,
27 and in the second place the manoeuvring of the ship.
28 Of course, all the rules governing the traffic is
29 very important, for example he must know what to do,
30 to steer his vessel when you cross another ship, and



1 French

2 navigation is necessary, but a little less, because
3 insofar as the pilot is concerned you are supposed to
4 know everything by heart, not needing the chart. In
5 the case of an emergency, well, he needs to know about
6 navigation so as to go out of a tight spot.

7 Q. He must know how to use a compass?

8 A. Yes.

9 Q. As an aid to navigation?

10 A. Yes.

11 Q. Do you use astronomical or celestial
12 navigation?

13 A. No, definitely not.

14 Q. Is it necessary for a pilot to have
15 a certain knowledge about maintenance of a ship?

16 A. Well, maintenance itself, well, he
17 will never know too much. It is far better for a
18 pilot to know exactly what goes on.

19 Q. To perform his duties as a pilot must
20 he know about the maintenance of a ship?

21 A. If a ship is well-painted or not
22 isn't very important.

23 Q. Is it necessary for the pilot to know
24 how to load a ship and how to take care of load or
25 the cargo?

26 A. No, but on the other hand it is
27 necessary for him to know if they leave berth and it
28 if they make a mistake at berth and if he knows his
29 ship seaworthy this is important for him to do.

30 Q. The next question is concerning



1 French

2 stability: Is it necessary, let us not say necessary, but
3 useful for a pilot to know something about the field
4 of stability?

5 A. Yes, it is certainly useful, but
6 not absolutely essential.

7 Q. Is it necessary for a pilot to know
8 something about administration, the administration of
9 masters?

10 A. Well, where the master -- not get on
11 board a ship and not be aware of what goes on on board
12 and not being aware of the responsibility of each member
13 of the crew or what the ship's master does of this
14 vessel -- naturally we could take a vessel to a
15 destination without knowing that, but just the same
16 he should.

17 Q. Is it necessary for the pilot to
18 know something about shipbuilding?

19 A. Yes, I think so because if, for
20 example, in the case of an accident, say a grounding,
21 he must have an idea of that matter in order to be
22 in the position to keep his vessel from having another
23 accident, and if he wants to get his vessel, take
24 his vessel out of the unfortunate position, consequently
25 he must understand about shipbuilding.

26 Q. Is it necessary for the pilot to
27 know something about the way in which ships are
28 repaired or should be repaired, let us say temporary
29 alterations or repairs?

30 A. I think if he knows about shipbuilding



1 French

2 he will know about that in the case of an accident and
3 he would be fully prepared.

4 MR. JACQUES: Thank you.

6 RE-DIRECT EXAMINATION BY MR. LALONDE:

8 Q. Captain Lafleur, during the winter
9 course give by the pilots is there not a series of
10 lectures concerning construction and stability of
11 ships?

12 A. Yes.

13 Q. This morning you were asked if the
14 admission examination to pilotage could be considered
15 as being equivalent to a certificate of the master
16 home trade.

17 A. Yes?

18 Q. Do you think that this equivalent
19 would apply with regards to the examination in general
20 or only to part of the examination?

21 A. When we are talking about the
22 equivalents here, well, if a pilot were given the
23 navigation part or the seamanship part, but this
24 represents only one part of the examination because
25 most of the examination has to do with pilotage.

26 Q. What does that represent, this
27 examination on pilotage?

28 A. This examination means that he must
29 know all about the different water depths, all the
30 different clearance marks in all the Ports of the District



1 French

2 and different currents within the District, different
3 marks either personal marks or official marks, sea
4 marks, shoals, everything that has to do with pilotage.

5 Q. Do you think that these different
6 points would be included in this examination on the
7 master's home trade or if they are just for the
8 examination of pilotage?

9 A. Both, because let us take an example
10 in our own District, we have certain places where you
11 have only at low tide 30 feet left, and we are drawing
12 up to 38 feet, consequently a pilot must be in a
13 position to be able to use his different tide time
14 tables and he must not wait until he has high tide.

15 Q. These three years minimum apprenticeship
16 that you include in your apprenticeship scheme, would
17 that training have to do especially with navigation
18 or seamanship or strictly pilotage?

19 A. Especially about pilotage because the
20 other part -- we started to give a winter course only
21 in order to be useful and keep pilots better-informed.
22 Most of the apprenticeship was to learn everything about
23 the river because courses weren't given on those
24 subjects prior to that.

25
26 CROSS-EXAMINATION BY MR. MAHONEY:

27
28 Q. One or two further questions:
29 Captain Lafleur, I was interested in the questions
30 which my friend Mr. Jacque asked you with regard to the



1 English

2 home trade certificate and the foreign-going certificate. I
3 would like you to correct me if my impression is wrong.

4 I think you said you considered a 2nd mate foreign-going
5 certificate to be superior to the 1st mate home trade;
6 is that correct?

7 A. I definitely do.

8 Q. In saying that you agree that you are
9 stating truly a personal opinion?

10 A. That is my opinion. It is harder
11 to pass.

12 Q. You say that is so from the point
13 of view of pilotage?

14 A. We are not talking about pilotage when
15 we are talking about second mate foreign-going or
16 home trade.

17 Q. We are talking about pilotage. We
18 are here for the Royal Commission on Pilotage.

19 A. You are asking me which ticket I
20 considered the best, either 1st mate home trade or
21 2nd mate foreign-going. That is not pilotage. This
22 is licensed officers.

23 Q. Do you want to qualify your answer,
24 the answer you made to Mr. Jacques?

25 A. Do I want -- ?

26 Q. Do you want to clarify the answer
27 you made -- supposing I ask you the question: do you
28 consider from the point of view of pilotage a
29 foreign-going ticket, 2nd mate foreign-going to be
30 superior to the 1st mate home trade?



1 English

2 A. Well, from that point of view it
3 is hard to say. You learn more for 2nd mate foreign-
4 going, but if you have experience coasting it will
5 be handier for a pilot.

6 MR. LANGLOIS: I am sorry to interrupt,
7 probably Captain Slocombe could clarify the situation.

8 MR. MAHONEY: Captain Slocombe is not on
9 the stand.

10 MR. LANGLOIS: He was yesterday.

11 THE CHAIRMAN: One at a time. Mr. Langlois?

12 MR. LANGLOIS: Probably Captain Slocombe
13 could clarify the situation in informing the Commission
14 that the Department is presently contemplating a new
15 system by which a certificate of Master home trade would
16 be the equivalent to 1st mate deep-sea; is that not
17 right?

18 MR. JACQUES: Excuse me, my lord, I don't
19 think Mr. Mahoney should have been interrupted in his
20 cross-examination. I see where he is going and I wish
21 he would get there.

22 MR. MAHONEY: Q. Shall we examine the
23 differences then, Captain Lafleur, between these two
24 certificates. Could you tell the Commission the limits
25 -e the territorial limits which are covered by home
26 trade ticket and the foreign-going ticket?

27 A. Well, home trade ticket -- strict
28 limits now -- I haven't looked them up for a long time.

29 Q. Approximately, not strict limits.

30 A. Home trade goes somewhere in the Gulf



1 English

2 and as far as Cape Hattaras.

3 Q. Strictly speaking I don't think that
4 is correct.

5 A. I have forgotten. I have had
6 this ticket over 20 years so I don't look it up anymore.

7 Q. I don't think the exact limits matter.
8 My friend Mr. Jacques draws my attention to Section 38 --
9 I am sorry, my lordship it is an amendment and it is
10 pretty hard to follow -- from The Canada Shipping
11 Act which defines "'home trade voyage' means a voyage
12 not being an inland or minor waters voyage between places
13 within the area following, namely, Canada, the United
14 States of America other than Hawaii, St. Pierre, Miguelon,
15 the West Indies, Mexico, Central America and the north-
16 west coast of South America, in the course of which a
17 ship does not go south of the sixth parallel of north
18 latitude".

19 Aside from the strict nature of that
20 definition isn't it true that most home trade voyage,
21 in fact the vast majority of home trade voyage are
22 concerned with coastal waters?

23 A. Yes.

24 Q. Is it not also true that the proportion-
25 ate time that a ship's officer on foreign-going ships
26 may spend in coastal waters is much less than the
27 equivalent officer home trade ships?

28 A. Yes.

29 Q. As a result of the comparison isn't
30 it true that a mate on a home trade ship will be much
more familiar with the coastal waters and with coastal



1 English

2 navigation?

3 A. I imagine so if he serves his home
4 trade on the coast. He could get his coasting with
5 deep-sea type.

6 Q. As to the classifications, would you say
7 that someone who has a home trade ticket, it is not
8 valid to assume that he has spent the highest proportion
9 of his time in coastal waters in coastal navigation than
10 the officer with a foreign ticket?

11 A. I never checked with everybody on that.
12 If you take in my case I had never been on the coast.
13 I had deep-sea time. I went for a coasting licence.
14 After that I went for a master's coasting and I had
15 a job as a master on the coast and I had never been
16 on the coast before.

17 Q. Was it not because from an academic
18 point of view you found it easier to get a coasting
19 ticket and not only from an academic point of view but
20 from the amount of time that you had to serve?

21 A. No, I had all the time because I
22 had a coasting ticket -- I had second mate foreign-
23 going.

24 Q. Let us minute, let us clarify this.
25 You just told me the first ticket you got was a coasting
26 ticket?

27 A. Coasting ticket.

28 Q. Now you say the first ticket you got
29 was second mate foreign?

30 A. I have a coasting ticket with the deep-



1 English

2 sea time and then I kept going deep-sea with a coasting
3 ticket. After that I came back and got a second mate
4 foreign certificate. I stayed deep there serving more
5 time and then came in and passed the coasting master's
6 licence and became a master on the coast and I had never
7 seen the coast before except once about every month
8 and a half.

9 Q. So we put it this way, that if a
10 ship's master has only a coasting ticket and no foreign-
11 going his time is necessarily spent in the coasting
12 waters?

13 A. No, sir, because you can still have
14 deep-sea time. It is good anywhere. It is good on
15 the Lakes. It is good on the coast. You can serve
16 all of your time deep-sea and go and pass the coasting
17 licence.

18 Q. Would that be a logical thing for
19 a ship's officer to do when the amount of time spent
20 for deep-sea licence is longer, wouldn't it be logical
21 to take the coasting ticket?

22 A. It might be logical. It all depends
23 what he intends to do. It still can be done that way
24 and it is done quite often.

25 Q. Shall I put it this way: in your
26 experience and primarily about people serving on board
27 lake vessels which are trading the coast, isn't it
28 logical for these people first to obtain the coasting
29 licence?

30 A. They couldn't get a foreign licence



1 English

2 because they haven't got any foreign time.

3 Q. This is what I said. Isn't it more
4 logical for them to get that type because they haven't
5 got the foreign-going?

6 A. Yes.

7 Q. Isn't it also more logical to assume
8 that a person with this sort of ticket has had more
9 experience in pilotage waters than a person with
10 foreign-going tickets?

11 A. They would have some time close
12 to the coast, yes.

13 MR. MAHONEY: Thank you.

14 MR. LANGLOIS: Just to clarify your last
15 question, he would have more experience in pilotage
16 waters provided he served his home trade time in
17 pilotage waters?

18 THE WITNESS: He could have served around
19 Newfoundland, for instance and never come in pilotage
20 waters and still have home trade. He could serve it
21 in any other place.

22 MR. LANGLOIS: Thank you.

23 MR. MAHONEY: My lord, I must apologize .
24 Due to the wording I used I think my friend has
25 misunderstood. When I said pilotage waters I didn't
26 mean strictly speaking waters in the pilotage area.
27 I meant any coastal waters close to land.

28 THE WITNESS: Yes, close to land.

29 MR. MAHONEY: Inside, inland.

30 THE WITNESS: Well, close to land.



1 English

2 MR. JACQUES: On the order of precedence of the
3 various certificates I refer the Commission to Section
4 116 of the Canada Shipping Act which which sets out
5 the precedence.

6 THE CHAIRMAN: Thank you. Any other
7 questions of Mr. Lafleur?

8 Thank you, Mr. Lafleur.

9

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MR/RPS 1 French

2

3

ROBERT GILOT, Sworn

4

(THROUGH THE INTERPRETER.)

5

DIRECT EXAMINATION BY MR. LALONDE:

6

7

Q. Mr. Gilot could you speak loud enough
so that you can be heard in this room. The acoustics
are fairly bad. Would you please repeat your name
and age?

11

A. Robert Gilot, 30 years old.

12

Q. What is your occupation at the present
time?

13

14

A. I am an apprentice in the Quebec
District.

15

16

Q. Well since what year are you an apprentice
in the Quebec District?

17

18

A. Since 1960.

19

Q. Do you have any time at sea? Did
you spend any time at sea before becoming an apprentice?

20

21

A. I had about eight years at sea,
foreign-going on the vessels of the Saguenay Terminal,
the Canadian National Steamship.

22

23

24

Q. Could you tell us from which year
until which year you have been at sea? What was your
experience in general in the maritime field?

25

26

27

A. Well I have started navigating in
1952 as a candidate officer, I had two years as a
candidate officer and then one year as a third mate
and then I came back to pass a certificate as second

28

29

30



1 French

2 mate foreign-going and then I went back to sea for two
3 or three years and then I was about six months on
4 ground and then I went back at sea and I was called as
5 an apprentice pilot. That was in 1960.

6 Q. If I understand correctly, you are
7 now holding a certificate of second mate foreign-going?

8 A. Yes.

9 Q. On which sea did you travel?

10 A. Well the Atlantic Ocean, the Pacific
11 Ocean and that is all. That is the only two places.
12 I went to Europe.

13 Q. Were you on board as an officer
14 or a sailor on the coastal vessels on the St. Lawrence?

15 A. Never.

16 Q. The vessels of the Saguenay Terminal
17 on which you were employed, were they coming regularly
18 to Port Alfred or Montreal?

19 A. For the first years we were coming
20 very seldom to Port Alfred. We could be eight or nine
21 months away. During the last years I was on freighters
22 travelling between the Antilles and Montreal.

23 Q. Could you tell the Commission in what
24 condition you became an apprentice in the Quebec
25 District? If I understand correctly this morning
26 you are under what Captain Lafleur describes as the
27 old system?

28 A. Yes.

29 Q. Could you then describe how you
30 became an apprentice?



1 French

2 A. I am under the old system which
3 consists of five years of apprenticeship with 40 trips
4 a year, of which six are spent on the Saguenay and
5 the remainder on the St. Lawrence and during the five
6 years in question I should, at the completion of the
7 five years, have at least 40 trips to Port Alfred, 15
8 to Chicoutimi and naturally the remainder on the St.
9 Lawrence River.

10 Q. Before your apprenticeship have you
11 attended the courses of the Marine Institute of the
12 Province of Quebec?

13 A. Yes, I was two years, from 1950 to
14 1952.

15 Q. Have you ever given any lectures at
16 the Marine Institute of the Province of Quebec?

17 A. No.

18 Q. Have you attended the winter courses
19 to which Captain Lafleur referred which were, in his
20 testimony, were organized by the pilots?

21 A. Yes. I attended them last winter.

22 Q. Have you been on board the training
23 ship ST. BARNABÉ during the cruise of 1961?

24 A. Yes.

25 Q. Was this training course on the
26 training vessel useful, in your opinion, taking into
27 account the experience that you had previously?

28 A. Yes. It was very useful, particularly
29 for practising manoeuvring, and as Captain Lafleur
30 said earlier on the question of going into the river and



1 French

2 doing the marks and studying everything on the river
3 as an apprentice pilot.

4 Q. This cruise on the ST. BARNABÉ was
5 necessary was it?

6 A. No, it was not necessary. It was
7 not mandatory.

8 Q. These winter courses that you were
9 attending, did you receive any remuneration or any
10 allowance during the month and a half that you were
11 devoting to these courses?

12 A. Yes. We had some allowance for
13 transportation and accommodation and board, particularly
14 for those who live outside Quebec like in my case.
15 I live in Jonquière and I was receiving more than those
16 who live in Quebec City.

17 Q. Again these courses, in your opinion,
18 are they really useful or beneficial for the
19 apprentices?

20 A. Yes. In my opinion they are very
21 useful.

22 Q. You have mentioned that you are
23 under the old system of five years with 40 trips a
24 year while the new system provides for three years
25 with 70 trips a year. How many trips have you actually
26 performed during the last season, for instance, 1960?

27 A. Well approximately 125 trips.

28 Q. Does this imply that you had no
29 other occupation other than that of an apprentice
30 during your apprenticeship?



1 French

2 A. That is correct.

3 Q. Is there any particular reason for
4 which you have performed more than three times the
5 required number of trips in your District during this
6 season?

7 A. Yes, because since we have no salary
8 as an apprentice, everything we have as an apprentice
9 is considered as travelling expenses and since we need
10 this to defray our expense, the apprentices are
11 under obligation to do more trips to cover his expense
12 in Quebec.

13 Q. I find that 125 trips constitutes
14 a number of trips higher than the ones performed by the
15 licensed pilots of the District. Do you think the
16 number of trips that you have performed, for instance,
17 last year you say 125 is a reasonable number for an
18 apprentice or do you think an apprentice could do a
19 higher number of trips?

20 A. Well the number of 125 is definitely
21 too great because one has many trips to make and has
22 no rest period, particularly at Les Escoumains. It
23 is too many trips I think.

24 Q. Were there years when you performed
25 more than 125 trips?

26 A. Well I will have more than 125 trips
27 this year. I already have more than 125 trips at this
28 time.

29 Q. For what reason did you increase this
30 year the number of trips that you were performing?



1 French

2 A. Well last year I was a bachelor. I
3 could have had an opportunity to go back at sea and
4 to work, but this year I am married and I have a child
5 and this causes maybe even, could be a dispute in the
6 home.

7 Q. Well if I understand correctly, you
8 now wish to stay at the same place since you are
9 married?

10 A. Yes, and since I am the third
11 apprentice to be called, to be on the list to be called
12 as a pilot, the Committee on Admission and Promotion
13 strongly advised me to stay here and to study.

14 Q. Is there any financial reason for
15 which you have performed this year more trips than
16 last year?

17 A. Could you repeat the question?

18 Q. Is there any financial reason for
19 why this year you have made more trips than last year?

20 A. Yes.

21 Q. Was it the factor which intervened
22 in your decision to perform that increased number of
23 trips?

24 A. Well I need more money to live and that
25 is the only way I can find the money. Therefore,
26 I increased the number of trips.

27 Q. Is it your only source of income?

28 A. Yes.

29 Q. How much do you get per trip?

30 A. Well the first year of apprenticeship



1 French

2 I received \$12. The following years I got \$15 per trip.

3 Q. Well if you wish, let us take a
4 normal case of a trip from Quebec to Les Escoumains
5 and return trip, you would have got, I understand
6 \$30 for the return trip?

7 A. Well when leaving my place, going to
8 the office, I need transportation and very often I
9 take a ship around noontime so I must leave at eleven
10 o'clock in the morning and I must eat away from home.
11 At Les Escoumains there is the question of pension or
12 board rather. One can go to the hotel, but it is
13 expensive. One must eat so what we have at Les
14 Escoumains is the office where we live in the attic of
15 the office and this of course is an uncomfortable
16 place.

17 Q. Well you speak of the office, you
18 speak of this pilotage station?

19 A. Yes.

20 THE CHAIRMAN: Well that is one we saw
21 and so we can imagine what is the attic.

22 MR. LALONDE: You never had an opportunity
23 to visit the attic your lordship?

24 Q. So the apprentices live there? You
25 are the only one who lives there?

26 A. Well it accommodates four. Now if
27 there are more than four, some, of course, have to
28 go to the hotel or they sleep on a chair.

29 Q. Well then the hotel, you have the
30 normal expenditures in a hotel. How long do you stay



1 French

2 at Les Escoumains? Do you have to pay for meals or do
3 you get on board the vessel immediately after the
4 other one has arrived?

5 A. Well we try to get on board as
6 quickly as possible after our arrival in order to
7 reduce expenses, but of course, when we board the
8 vessels at that time sometimes we are not in very
9 good physical shape; we haven't got sufficient rest
10 of course and going upstream we are tired.

11 Q. Well now how is the assignment to
12 the vessels done? Does the Local Supervisor of
13 Pilotage keep an assignment list for the apprentices?

14 A. In Quebec City we pick up our turns
15 ourselves. At Les Escoumains we have an assignment
16 list.

17 Q. In Quebec City you said you pick
18 up your vessel yourself. How does this happen in
19 practice? Let us say today you want to take a vessel
20 in Quebec. What do you do?

21 A. Well we have a schedule of all
22 vessels which either will go downstream from Montreal
23 or in Quebec City. In the pilotage station we know
24 approximately the time of departure of the vessel so
25 we have a special book, we call it for the booking of
26 the name of the vessel and the name of the apprentice
27 and that is the way we take our vessels in Quebec City.

28 Q. Do you have to ask for permission
29 from a Supervisor or Superintendent?

30 A. No.



1 French

2 Q. Do you have inform the pilot
3 concerned, or the pilot assigned to the vessel?

4 A. Yes, we have to ask the pilot in
5 order to be allowed to board with him.

6 Q. Did it ever happen to you to be
7 refused by pilots?

8 A. No. Never.

9 Q. Did it ever happen that the Captain
10 refused an apprentice on board his vessel?

CC2 11 A. Well this never happened to me
12 personally but I heard from other apprentices that
13 they had been refused to board a vessel.

14 Q. Did it ever happen to you personally
15 that vessels, after you had performed the trip on
16 board, had subsequently refused to pay you your
17 allowance?

18 A. Yes. Several times this happened
19 to me.

20 Q. You say this happened several times?

21 A. Yes.

22 Q. Who levies your allowance?

23 A. Well sometimes send this to the
24 agents themselves. As far as I am concerned there is
25 an office clerk who deals with this and we must give
26 him so much for cheque received.

27 Q. How much do you give for this
28 special service to the clerks?

29 A. 25¢ by cheque.

30 THE CHAIRMAN: Could you adjourn for a moment



1 French

2 here? Mr. Smith has a question.

3 COMMISSIONER SMITH: I have one or two
4 questions I want to ask the witness. Back to the time
5 before you made application to get into the apprentice
6 pilotage system, what was the procedure? Did you make
7 an application? Did somebody approach you or what gave
8 you the urge to get into the pilotage?

9 THE WITNESS: I had heard from another
10 apprentice, another apprentice-to-be about the pilotage
11 list and I did write to the pilot office, to the
12 Pilot Superintendent in 1953 to put my name down.

13 COMMISSIONER SMITH: So you originated
14 the application to be included in the apprentice
15 pilotage system?

16 THE WITNESS: I did have to write.

17 COMMISSIONER SMITH: Now if I understand
18 your evidence, you have been an apprentice for three
19 years and I have before me here the Montreal By-Laws.
20 I don't seem to have Quebec but I suppose they are
21 the same in this regard. It's Section 28, Paragraph
22 B which reads you are eligible if you pass all the
23 examinations and qualify for the standards that are
24 prescribed to become a pilot if the Authority is of
25 the opinion that an apprentice pilot is required to
26 meet the needs of the Pilotage Service. So that you
27 are in a period of uncertainty. You don't know how
28 long before you are going to become a pilot unless some
29 healthy pilot dies or retires so that while you are
30 an apprentice, you are still in the period of



1 English

2 uncertainty as to when you are going to move up to a
3 full-fledged pilot?

4 THE WITNESS: I certainly am.

5 COMMISSIONER SMITH: That uncertainty must
6 cause you considerable alarm so far as living conditions
7 and expenses and you say you are a married man with a
8 child. That must give you considerable concern I take
9 it?

10 THE WITNESS: Worries.

11 COMMISSIONER SMITH: You worry?

12 THE WITNESS: It worries all of us.

13 COMMISSIONER SMITH: Because of the
14 uncertainty of your status-to-be?

15 THE WITNESS: That is right.

16 THE CHAIRMAN: We will adjourn now for a
17 few minutes.

18
19
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21 -

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25
26
27 -



1 /PB/RPS French

2 (THROUGH THE INTERPRETER.)

3 ---A SHORT RECESS.

5 ---FOLLOWING THE SHORT RECESS:

7 CONTINUATION OF DIRECT EXAMINATION BY MR. LALONDE:

8 Q. You have mentioned the fact that you had
9 an assignment list not at Quebec but at Les Escoumains.

10 Is this the assignment list which is kept by the
11 Pilotage Station in Les Escoumains?

12 A. Well, it is rather an agreement --
13 it is rather an agreement among the apprentices which
14 was arrived at and at the present time given to the
15 clerks at Les Escoumains to follow the agreement.

16 Q. Well, Captain Lafleur filed this
17 morning rules of dispatching which were established in
18 1961. Are these rules supplied at Les Escoumains?
19 Do you know what I am referring to?

20 A. Yes, it seems to me that we have
21 these -- the assignment list is kept at Les Escoumains,
22 Port Alfred.

23 Q. These are regulations filed as of
24 the 29th of March, 1961?

25 A. Yes.

26 Q. Is there any particular reason for
27 which you establish regulations at Les Escoumains
28 and not at Quebec?

29 A. The reason is that the apprentices
30 live in Quebec City and naturally nobody is interested



1 French

2 to waste any time at Les Escoumains because of any
3 apprentice who would have missed his ship.

4 Q. Insofar as you are concerned whom
5 do you think you are responsible to as an apprentice?

6 A. Well, I feel I am responsible to the
7 Committee of Admission and Promotion.

8 Q. So you think that this Committee has
9 jurisdiction over your training?

10 A. Yes.

11 Q. Has the Local Supervisor been involved
12 in your training through apprenticeship?

13 A. Well, the Superintendent has certainly
14 authority of apprentices.

15 Q. In your experience as an apprentice
16 have you had to deal with, directly with the Local
17 Superintendent of Pilotage?

18 A. Well, in what respect?

19 Q. Well, in any respect since you are
20 an apprentice, either in the disciplinary action or
21 dispatching aspect or remuneration aspect et cetera?

22 A. Well, the only time I had to deal
23 with the Superintendent was before my apprenticeship
24 when I had to report.

25 Q. Report what?

26 A. Necessary to report each year to the
27 Superintendent.

28 Q. Since you were an apprentice has
29 the Local Supervisor or his representatives -- has
30 he ever called you to report on your duties?



1 French

2 A. No.

3 MR. LALONDE: Thank you.

4
5 DIRECT EXAMINATION BY MR. LANGLOIS:

6
7 Q. Mr. Gilot, if I understand correctly
8 you were doing your apprenticeship in January, 1961?

9 A. Beginning of my apprenticeship.

10 Q. How many years have you completed
11 of apprenticeship up to now?

12 A. Well, I had three years of apprentice-
13 ship last May, 1963.

14 Q. And you are No. 3 on the list?

15 A. Yes, I am No. 3 on the list.

16 Q. Now, you follow the course of
17 apprenticeship in the winter. Are you paid in any way?

18 A. Yes.

19 Q. By whom?

20 A. By the Government.

21 Q. Do you mean by that that you come
22 under this scheme which is a scheme of aid to youth?

23 A. Yes.

24 Q. What remuneration do you receive under
25 this scheme?

26 A. Personally I have my domicile outside
27 Quebec, sir. I have my domicile in Jonquire and I
28 receive approximately \$140.

29 Q. How much?

30 A. \$140.



1 French

2 Q. For what period?

3 A. For the entire period of the course
4 which lasted about one month and a half.

5 Q. If I understand correctly with this
6 \$140 you have to defray your subsistence expenses in
7 Quebec City?

8 A. Yes, sir.

9 Q. Your transportation expenses?

10 A. Yes, sir.

11 Q. Can you apply for these fellowships
12 which are given by the Government for apprentice
13 pilots?

14 A. Well, I don't know. I don't think
15 so. I never tried myself.

16 Q. To your knowledge are there any
17 apprentices who receive such fellowships?

18 A. No, no apprentices that receives any
19 fellowship.

20 Q. So, the only financial assistance
21 that you receive from your apprenticeship in addition
22 to this \$12 or \$15 allowance that you get as an
23 apprentice per trip is this \$140 in the winter for
24 your personal cost when you follow the winter course
25 of apprenticeship?

26 A. Yes.

27 MR. LANGLOIS: Thank you.
28
29
30



1 English

2 CROSS-EXAMINATION BY MR. MAHONEY:

3
4 Q. I think I understood you to say that
5 you have a second mate foreign-going ticket; is that
6 correct?

7 A. That is right. That is correct.

8 Q. Do you have any other certificate?

9 A. Do you mean in the same field?

10 Q. Yes?

11 A. No.

12 Q. I think you said that you served your
13 sea time with Saguenay Shipping and Canadian National
14 Steamships?

15 A. That is correct.

16 Q. How long with Saguenay?

17 A. Well, I was with Saguenay -- I was
18 with them, left them and came back twice. At first I
19 was at Saguenay as an apprentice, as a cadet officer
20 for two years and was third mate. I came ashore for
21 my licence, went back with Saguenay for another six
22 months and then I left them and I went with Canadian
23 National Steamships and then Canadian National Steamships
24 went on strike and sold their ships, so eventually I
25 had to come back with Saguenay for about eight months,
26 and then I was called -- I am sorry -- then Saguenay
27 laid up the ships, their ships, so we were out of a job
28 again for about two months.

29 Q. Yes. I am sorry -- go ahead.

30 A. Saguenay called me back and I was there



1 English

2 for a year, and then the Pilotage called me for an
3 apprentice.

4 Q. What was the total length of time
5 that you served with Canadian National Steamships
6 approximately?

7 A. I was three months with them at sea
8 and the rest of the time which was about ten months
9 laid up in Halifax.

10 Q. I think you said that with Saguenay
11 during the first years that you had been occasionally
12 to Port Alfred, I think you said every eight or nine
13 months?

14 A. That was when I first started with
15 Saguenay.

16 Q. Over the period of two years you
17 probably would have made at the most three trips to
18 Port Alfred?

19 A. That is correct.

20 Q. And then where did you serve with
21 Saguenay, in what Ports in the world?

22 A. Well, after I was with Canadian
23 Steamships, when I came back with Saguenay I was on
24 a shipping running to Port Alfred and Montreal about
25 every five weeks. That is in the summertime.

26 Q. During the summertime about every
27 five weeks so that would be eight or nine trips to
28 Port Alfred?

29 A. That is about eight or nine trips
30 a year.



1 English

2 Q. That was as second officer?

3 A. Third officer.

4 Q. While you were serving as third
5 officer did you have an opportunity to handle the ship
6 yourself?

7 A. No.

8 Q. Your experience then with manoeuvring
9 a ship would be quite limited?

10 A. Yes.

11 Q. In fact you might say it would be
12 non-existent?

13 A. It was nil.

14 Q. With Canadian National Steamships I
15 take it your experience would have been between Canada
16 and the West Indies?

17 A. That is correct.

18 Q. Where would that have been, Halifax
19 mostly or Montreal?

20 A. Halifax in the winter and Montreal
21 in the summer.

22 Q. And the same situation would apply
23 there as to ship handling experience?

24 A. That is correct.

25 Q. What proportion of your total sea
26 time would you say, and I understand that this is
27 only to be a rough estimate, what proportion of your
28 total sea time would have been spent at sea as opposed
29 to the proportion of time in coastal waters?

30 A. Do you mean for the whole time since



1 English

2 I started sailing?

3 Q. Yes, sailing with Saguenay and
4 Canadian National, not in your experience as an
5 apprentice. I appreciate that is quite different.

6 A. Well, it is pretty hard to say.

7 Q. Let us take a typical trip for,
8 say, Canadian National Steamship between, say, Montreal
9 and the West Indies. How long would that trip take?

10 A. About six weeks.

11 Q. Out of those six weeks -- are you
12 counting time in Port?

13 A. I am counting Quebec to Montreal.

14 Q. I mean just at sea, from Port to Port,
15 how long on an average?

16 A. From Montreal to the West Indies is
17 about -- on these trips used to take about ten days,
18 but then from then we used to be between all the islands
19 so it wouldn't be very much, very long time as sea
20 then.

21 Q. In the ten days, approximately three
22 days then would be in Canadian waters; is that right?

23 A. Approximately.

24 Q. I think you said that you had
25 become interested in being a pilot through a friend;
26 is that correct?

27 A. That is correct.

28 Q. Was that friend an apprentice pilot?

29 A. He was not an apprentice then, but he is
30 a pilot now.



English

Q. Where is your home town, Mr. Gilot?

A. Port Alfred. It used to be.

Q. That is before you went to sea?

A. That is up to this summer.

Q. You were born in Port Alfred?

A. I was born there.

Q. Have any of your family been
pilots?

A. No.

Q. So that you learned about pilotage
service from a friend only?

A. That is correct.

Q. No other experience?

A. No.

MR. MAHONEY: Thank you.

CROSS-EXAMINATION BY MR. BRISSET:

(THROUGH THE INTERPRETER.)

Q. Mr. Gilot, when you were accepted
as a cadet by Saguenay Terminals Limited you must have,
I think, signed a contract?

A. Yes.

Q. Did that contract provide that
eventually if you were meeting the required conditions
you would be accepted as a mate on board the vessels
of the company?

A. Yes.



1 French

2 Q. It was the aim of the contract you
3 signed?

4 A. Yes.

5 Q. When you signed this contract did
6 you envisage later becoming a pilot eventually or
7 rather to remain in shipping?

8 A. Well, I was contemplating to remain
9 within the shipping because I didn't know the pilotage
10 at that time.

11 Q. What attracted you
12 in pilotage?

13 A. Well, it is because the Merchant
14 Marine shipping seems to be reducing vessels. We
15 are getting different flags and there was also the
16 attraction of a pilot who is at home more often than
17 an officer at sea.

18 Q. The eventual income of a pilot once
19 he has been accepted as a pilot, was this income attract-
20 ive for you?

21 A. Well, it is certainly more attractive
22 than the one of an apprentice, the financial income
23 of an apprentice.

24 Q. When you were a cadet with the
25 Saguenay Terminals Limited did you have any other
26 companions who were cadets to become officers?

27 A. Yes.

28 Q. Who had also attended courses at
29 the Rimouski school?
30



1 French

2 Were there any among the candidates
3 who remained in the career of officers in shipping?

4 A. No, I don't know any of them.

DD2 5 Q. What do you mean, among your friends?

6 A. Among those of whom I knew none
7 of them remained in shipping.

8 Q. Mr. Gilot, you said in 1962 you had
9 performed 125 trips?

10 A. Yes.

11 Q. Were all these trips performed during
12 the summer season or were they performed in the winter
13 season, that is between the 1st of December and 8th of
14 April?

15 A. All of them were performed from
16 April to December 1st.

17 Q. During the summer season or regular
18 navigation season?

19 A. Yes.

20 Q. Now, you have said that this year
21 you intended to perform a higher number of trips.
22 Will you tell us how many you have performed up to
23 now?

24 A. I have approximately 130 trips to
25 date.

26 Q. Was that since the 1st of April?

27 A. Since the 9th of April.

28 Q. You said that particularly this year
29 you had some family obligations and it was for that
30 reason that you were making so many trips so that you



1 French

2 could make sufficient money to at least meet major
3 obligations?

4 A. Yes, exactly.

5 Q. In other words, if I may express myself
6 this way, you performed the higher number of trips,
7 greater number than the required number of 70 in order
8 to make money to meet such obligations?

9 A. Yes.

10 Q. And not because you thought that they
11 are necessary for acquiring more experience as an
12 apprentice pilot?

13 A. No.

14 Q. I imagine that when you have to
15 select a vessel for a trip you pick a vessel which
16 pays rather than a vessel which does not pay?

17 A. Of course.

18 Q. This year since it is the third
19 year of your apprenticeship you are getting \$15 per
20 trip?

21 A. It is my fourth year. I get \$15.

22 Q. The 130 trips that you made in 1963
23 means that you make how many trips a week on the
24 average?

25 A. Well, approximately four or five
26 trips per week.

27 Q. You stated that this was very
28 tiring?

29 A. Yes.

30 Q. That you haven't sufficient rest



1 French

2 periods between each trip?

3 A. No.

4 Q. On the average how many hours do you
5 have between each trip?

6 A. Well, it depends. In Quebec City
7 we may have the necessary rest period, but at Les
8 Escoumains, on the average we have approximately three
9 or four hours of rest.

10 Q. In other words you leave Quebec City
11 going down to Les Escoumains and then you take almost
12 the first ship that comes upstream?

13 A. Yes.

14 Q. At Quebec City how many hours or
15 days have you got between each trip that you make,
16 each return trip?

17 A. Well, it varies. If I make a week
18 six trips I mean I have some time more in Quebec than
19 if I make four trips.

20 Q. Have you got still a one-day interval
21 between your return trips?

22 A. No.

23 Q. In the case of the return trip,
24 Escoumains to Quebec City, after the outgoing trip
25 and having a few hours before taking a vessel again
26 when you board the vessel which comes upstream to
27 Quebec, do you have some time to get a rest?

28 A. Yes, sometimes.

29 Q. Can you sleep?

30 A. Yes.



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French

Q. I imagine that you are fed on board
the vessel?

A. Yes.

Q. You get some meals?

A. Yes.

Q. You were never refused a meal even
if you are a little bit late considering the regular
hours of meals?

A. No.



R/rps 1 French

2 Q. Do you do other tasks or have any
3 other jobs to make money throughout the year?

4 A. Well in the winter 1961/62 I went
5 back at sea for six months. Last year I simply
6 attended the winter course of apprentices given by
7 the pilots.

8 Q. Did you try to find an easier way
9 of earning the money you needed to meet your obligations
10 rather than making the number of trips that you have
11 described?

12 A. Well I don't understand.

13 Q. Did you seek any other means than
14 making the number of trips that you made in order to
15 meet your obligations?

16 A. As regards in order to remain in
17 the navigation, it is fairly difficult to find some
18 job in the winter for an apprentice. Some people have
19 had -- I have had myself in the past some job but
20 there are several apprentices who remain all winter
21 doing nothing without any job.

22 Q. You are under the old system which
23 requires 40 trips a year?

24 A. Yes, that is correct.

25 Q. Are there apprentices who manage to
26 perform these 40 trips during the weekends, during the
27 navigation season in the summer and to work in the
28 meantime elsewhere?

29 A. Not to my knowledge.

30 Q. Do you consider it might be possible,



1 French

2 at any rate, for an apprentice pilot under the old
3 system to do these 40 trips during the weekend, during
4 the navigation season?

5 A. Yes.

6 Q. You have told us Mr. Gilot that you
7 are third on the list, on the priority list for
8 apprentice pilots?

9 A. Yes.

10 Q. Would it be true to say that you except
11 to be accepted as a pilot next year, in 1964?

12 A. Well I rely upon it. I think so
13 to a certain extent but you never can be sure.

14 Q. Are you aware that ever since the
15 month of June 1960 there have been, during the past
16 three years, or three years and two months, thirteen
17 new pilots in the Quebec District?

18 A. Yes.

19 Q. That is an average of four, a little
20 more every year so do you believe that if the same
21 keeps up you might have every reason to believe that
22 you will be admitted next year?

23 A. Well if we rely upon that, yes, but
24 this year four pilots have been asked for and two only,
25 the ones that have been admitted were in order to
26 replace one who died and the other one to replace a
27 second one who had to retire.



1 French

2 CROSS-EXAMINATION BY MR. JACQUES:

3
4 Q. Mr. Gilot after having lost your
5 different jobs on vessels, did you get any unemployment
6 insurance?

7 A. Yes.

8 Q. Of course it is depleted now?

9 A. Yes.

10 Q. You passed two years at the Marine
11 school in Rimouski?

12 A. That is correct.

13 Q. During those two years you never
14 heard about the pilotage system on the River?

15 A. No, not me. I had never heard about
16 it before that. That is before somebody mentioned it
17 to me earlier in 1953.

18 Q. Did you know that pilotage existed
19 on the River?

20 A. I knew that yes, but I didn't know
21 what method I should follow in order to become a
22 pilot and what were the requirements to become a pilot.

23 Q. Did you ask any questions about
24 pilotage at that time in the school?

25 A. No.

26 Q. I understand that this year you have
27 had a little difficulty in order to find enough time
28 for rest, especially with the number of trips that you
29 have performed last year. On the other hand, you
30 undertook less trips than this year?



1 French

2 A. Yes.

3 Q. How many did you do last year?

4 A. Well around 125.

5 Q. This represents a maximum of how
6 many trips per week?

7 A. Approximately four to five trips per
8 week.

9 Q. So the maximum per week would be
10 about five?

11 A. Approximately.

12 THE CHAIRMAN: You mean only approximately?

13 THE WITNESS: Only the one trip one way.

14 Q. So the maximum would be five trips
15 per week?

16 A. It is difficult to answer because last
17 year I didn't start in April. I started later.

18 Q. How many months did it take you in
19 order to accomplish these 125 trips last year?

20 A. About seven months.

21 Q. So this is an average of how many
22 trips per month? About 17 or 18?

23 A. Approximately.

24 Q. How many hours does it take you to
25 perform a trip?

26 A. Everything is dependent upon the
27 speed of the vessel.

28 Q. Well let us say the maximum time
29 you have taken last year for a trip?

30 A. I had some up to fourteen, fifteen



1 French
2 hours.

3 Q. How many such trips of fourteen or
4 fifteen hours duration did you have last year?

5 A. Around ten.

6 Q. And last year how many hours of rest
7 did you have between each trip at Les Escoumains?

8 A. Well it was the same system as this
9 year, that is around four or five hours. Everything
10 is dependent upon the trip.

11 Q. And in Quebec how many hours of
12 rest did you have between trips?

13 A. Well perhaps 15 to 20 hours.

14 Q. Did you consider that as being
15 adequate, 15 hours of rest after a trip from Quebec
16 to Les Escoumains and return or did you feel absolutely at
17 rest and rested when you were embarking in Quebec?

18 A. Yes.

19 Q. During all these trips what do you
20 do on board the ship?

21 A. Well we are more or less the pilot's
22 pupil or student and for myself, the pilot makes us
23 practice and then he shows us all the different clear-
24 ance marks and everything that has to be learned on
25 the River in general.

26 Q. The pilot shows you the marks, the
27 clearance marks? You have been an apprentice pilot
28 for four years. You have had 130 trips and each of
29 these 130 trips the pilot on each of these occasions
30 shows you the clearance marks and says here this is



1 French

2 the clearance mark?

3 A. No.

4 Q. Will you please relate your last
5 trip. Where did you go on board this vessel?

6 A. On my last trip I went on board at
7 Les Escoumains.

8 Q. And what type of vessel?

9 A. It was a German vessel. A large
10 vessel.

11 Q. Was it a cargo or tanker?

12 A. Cargo.

13 Q. At what time did you go on board?
14 Daytime or nighttime?

15 A. Well around seven to eight in the
16 evening.

17 Q. So you went on board at dusk?

18 A. Yes.

19 Q. So what did you do on board the ship?

20 A. What did I do?

21 Q. Well did you go on the bridge?

22 A. Yes, and the pilot let me practice
23 for a little while.

24 Q. From what place to what other place?

25 A. I think it was from Cap aux Chien
26 up to Cap Brule if I remember correctly.

27 Q. What was the weather at that time?

28 A. The weather was beautiful.

29 Q. What did you do aside from that?

30 A. Well ---



1 French

2 Q. Did you stay on the bridge all the
3 time?

4 A. Yes, I stayed there all the time
5 through the whole trip.

6 Q. From Les Escoumains to Quebec?

7 A. Yes.

8 Q. How long did that take?

9 A. Seven and a half hours or eight
10 hours.

11 Q. Is that a fast transit ?

12 A. Yes.

13 Q. So you practised from Cape Goose to
14 Cap aux Chien?

15 A. No, from Cap aux Chien to Cap Brule,
16 something like that.

17 Q. Is that a difficult section?

18 A. Well part of that section is not too
19 hard but the second one well we sort of enter,
20 negotiate a narrow channel.

21 Q. Does it ever happen to you to ask
22 the pilot to let you try your hand at navigation
23 during part of the path?

24 A. Yes.

25 Q. Does it ever happen to you to ask
26 a pilot to let you steer the ship?

27 A. No.

28 Q. You never make such a request to
29 the pilot?

30 A. Well this is kind of an understanding



1 French

2 that we are never to make such a request to the pilot
3 and the pilot tells us when it is time to do it.

4 Q. Does that practice start with your
5 first year apprenticeship?

6 A. No.

7 Q. How long does it take before the
8 pilot lets you try navigating yourself?

9 A. About two years.

10 Q. Does it ever happen that you do the
11 pilotage at some places more than once?

12 A. Yes.

13 Q. Do you ever make some comments to the
14 pilot and tell him, for example, I have been piloting
15 three or four times at the same spot. I would like
16 to change places?

17 A. We don't always work with the same
18 pilot and everything is dependent upon the pilot.
19 After a year's time if the pilot makes us practice
20 often enough, well sometimes we steer on the whole
21 course.

22 Q. Up to now have you practised on the
23 whole length of the river?

24 A. Yes, under the strict supervision
25 of the pilot, of course.

26 Q. During your trips, I suppose that
27 you have the opportunity of talking with certain pilots?

28 A. Yes.

29 Q. Do they talk to you about the
30 Corporation of Pilots?



1 French

2 A. Well sometimes, but not so much.

3 Q. Are you being told about the
4 Association?

5 A. Not too much.

6 Q. Are you being told about the
7 Federation of Pilots?

8 A. Not too much.

9 Q. The Canadian Merchant Service Guild?

10 A. No.

11 Q. What are you being told about these
12 different organizations?

13 A. Well insofar as the Association is
14 concerned, well I am aware that the pilots have a
15 system in order to separate the earnings and that the
16 expenses are taken amongst this money and that is all
17 I know about that matter.

18 Q. Last winter you followed courses?

19 A. Not about that.

20 Q. You have told us at no time had you
21 been convened by the Pilotage Authority as regards
22 your conduct or your work. Were you convened or called
23 by the Promotion Committee concerning your conduct
24 or your work?

25 A. No, never.

26 Q. Does the Committee ever ask you about
27 the progress you may be making ?

28 A. During the winter season when we
29 follow the course, naturally the Committee asks us
30 if we are satisfied with the course, and of course they



1 French

2 know what the results of the examinations are and in
3 the summer, unless an apprentice really must be
4 reprimanded or scolded, then the Committee never tries
5 to get information and they take it for granted that
6 everything goes well; everything works smoothly.

7 Q. So you are only asked if you are
8 making progress insofar as your knowledge of the river
9 is concerned about manoeuvring of ships?

10 A. So far as the knowledge of the river
11 is concerned, well I believe that as we travel quite
12 often with the pilots of the Committee, well these
13 same pilots realize by themselves if the apprentice
14 is progressing or not.

15 Q. Did you read the By-Laws of the
16 Quebec Pilotage District?

17 A. Yes. I read those By-Laws at one
18 point.

19 Q. When?

20 A. Last year.

21 Q. On what occasion?

22 A. Last year during the course I read
23 those By-Laws.

24 Q. Have you ever seen those By-Laws
25 before you followed that course?

26 A. I think so, but I am not quite sure.

27 Q. I show you Exhibit 732, which is
28 the timetable for the winter course to the apprentice
29 pilots in the Quebec District for the year 1963. Is
30 that the course you have followed?



1 French

2 A. Yes.

3 Q. The different types of courses are
4 mentioned therein. Do you recall the duration of these
5 courses? How long would the course last?

6 A. About three hours. Well in the
7 morning from nine to noon and from two to five in the
8 afternoon.

9 Q. Three hours per lecture. Was it
10 always three-hour lecture without stopping or did you
11 have a break or a deo gratias as we used to call it
12 at the elementary school?

13 A. We had a coffee break of a quarter
14 of an hour.

15 Q. Can you tell me about the courses
16 on the regulations, what do they cover exactly, these
17 courses which were given last year?

18 A. Well this covered manoeuvring,
19 manoeuvring of a ship either through fog or just on
20 the foghorn or with limited signals; all the different
21 international course By-Laws.

22 Q. You already had been examined on
23 that subject?

24 A. Yes.

25 Q. And you had passed the exam with
26 success?

27 A. Yes.

28 Q. What did you learn that was entirely
29 new in that course, something that you didn't know
30 about before?



1 French

2 A. I didn't really learn anything new.
3 It was kind of a refresher course.

4 Q. Then you have the course of
5 cartography. Could you please explain to me what
6 exactly was it? What was the content of that course?

7 A. This is a course given on coastal
8 navigation especially.

9 Q. Did you have to work on charts with
10 slide rules and so forth?

11 A. Yes.

12 Q. You had certain problems to prepare,
13 for example to establish the course of the ship taking
14 into account currents and in English this is called
15 chart work. Have you followed similar courses in order
16 to obtain your certificate as second mate, ocean-going?

17 A. Yes.

18 Q. Did the course that you followed,
19 and given by the pilots, was it a more advanced course?

20 A. There were a great many improvements
21 from the time I followed the chart work course for my
22 second mate ocean-going.

23 Q. The other course, of course on
24 pilotage, what is the content of it?

25 A. This is the study of the River and
26 the berths in Quebec and on the River.

27 Q. This was an entirely new subject for
28 you?

29 A. Not last year because I already had
30 three years of apprenticeship.



1 French

2 Q. But as a subject it was being
3 taught, given to you as a course?

4 A. Yes, this was new.

5 Q. Then you have a course on instruments,
6 what was that?

7 A. This course dealt with the different
8 instruments. The barometer, the anemometer and all
9 the different navigation instruments in general.

10 Q. Radar?

11 A. No.

12 Q. Echo sounder?

13 A. Yes.

14 Q. D.F.? Direction finder?

15 A. Yes.

16 Q. And on the Loran system?

17 A. No.

18 Q. Decca system?

19 A. No.

20 Q. The different courses on these
21 instruments, had you ever followed any of those courses
22 beforehand?

23 A. Yes, when I was in Rimouski.

24 Q. When you were examined for second
25 mate ocean-going, were you examined on those instrument,
26 well let us say theoretically?

27 A. Yes.

28 Q. And the courses you followed, were
29 those theoretical courses or practical courses?

30 A. Theoretical courses.



1 French

2 Q. On these instruments?

3 A. Yes. In Quebec we have no instruments
4 whatsoever.

5 Q. Were those theoretical courses more
6 advanced than the ones you had followed previously?

7 A. No.

8 Q. The following course is entitled
9 stability and shipbuilding. What was that course?

10 A. Well this course includes the way
11 in which to load a ship in order to keep the ship
12 completely stable at all times and then the building,
13 well this is shipbuilding generally.

14 Q. Have you followed any courses on
15 these two subjects previously?

16 A. Yes.

17 Q. The courses that you have followed
18 as an apprentice pilot, were those theoretical or
19 practical courses?

20 A. Theoretical courses.

21 Q. Do these courses cover what you had
22 already learned previously?

23 A. Yes.

24 Q. Were those courses more advanced?

25 A. Well as far as I was concerned, this
26 was kind of a refresher course.

27 Q. The next course is entitled
28 regulations or By-Laws.

29 A. Well this has to do with the regulations
30 governing apprentices, or rather the By-Laws dealing with



1 French

2 the pilot in the Quebec Harbour or the By-Laws that
3 the pilot has to observe.

4 Q. Aside from the other international
5 By-Laws?

6 A. Yes.

7 Q. Does that include the By-Laws of
8 the Corporation of Pilots?

9 A. No.

10 Q. And finally the last course radar
11 plotting. Could you please explain exactly what
12 that course entails?

13 A. The radar plotting is the way to
14 show graphically, well let us say that a ship is in
15 the fog so with the help of that one must be able
16 to find a course of the other ship, what speed that
17 vessel is going, if there is a danger of collision.

18 Q. To pass your certificate for
19 second mate, foreign-going, had you passed an
20 examination on that subject?

21 A. Yes.

22 Q. Was the course you followed and
23 given by the pilots, was it a more advanced course?

24 A. Well it was more or less the same
25 thing.

26 Q. Are you paid at times by the pilot?

27 A. No.

28 Q. Do you ever have to navigate for a
29 pilot while the pilot is resting?

30 A. Well sometimes in the easy parts of the



1 French

2 River, well the pilot will rest but he stays in the
3 chartroom or a place where he may be called immediately
4 should he be needed.

5 Q. Generally speaking you are entrusted
6 with navigation for how many hours then?

7 A. Well three hours.

8 Q. And you said that the course
9 lasted for how many hours approximately? The transitting,
10 for example, from Quebec to Les Escoumains or Les
11 Escoumains to Quebec?

12 A. Everything is dependent upon the
13 speed of the vessel. Some may do it in seven hours.

14 Q. Others 15?

15 A. Yes.

16 Q. The majority of the course of the
17 trip you do would be how long?

18 MR. LALONDE: I am sorry to interrupt here
19 but I believe that this is a question that has been
20 asked about 198 times, that is the average duration
21 of the trip from Quebec to Les Escoumains. While I
22 have no objection to my colleague putting the question
23 once more, we have some vessels that are slow. Others
24 are fast and we can bring mathematicians into the
25 box who would tell us what average we will get which
26 would mean absolutely nothing because it is dependent
27 entirely upon the vessels. Well if you want to establish
28 an average ---

29 MR. JACQUES: Well if my colleague has
30 noticed, I changed my question. I did not ask for the



1 French

2 average by hours of the trips, but the average of the
3 duration of trips. Well how long does it take you?

4 How many hours?

5 A. About nine hours.

6 Q. Thank you.

7
8 RE-DIRECT EXAMINATION BY MR. LALONDE:

9
10 Q. Mr. Gilot to your knowledge do the
11 apprentices try to go on board the fastest vessels
12 or do they go on board any ship that may come around?

13 A. Well in Quebec the apprentices have
14 a certain tendency to go on board the fastest vessel
15 naturally in order to attend the trip the fastest
16 and at Les Escoumains, due to the assignment list,
17 there is no question of boarding the fastest vessel
18 or not.

19 Q. You attended more than 40 trips during
20 the last season, but these additional trips that you
21 did above the 40 required ones have familiarized you
22 even more with the operation of vessels and your general
23 knowledge of the River. Did you learn something aside
24 from an additional income out of these additional
25 trips?

26 A. No, not so much.

27 Q. Did you ever receive the letter from
28 the Committee of Admission and Promotion notifying
29 apprentices not to attend too many trips so as to be
30 fully rested when they are attending trips?



1 French

2 A. Yes, I think we received a letter
3 to that effect.

4 Q. The By-Laws of the Pilotage District,
5 you remember having received them through the mail
6 sent by the Corporation? Well you know to what I
7 refer? Those are the By-Laws that my colleague, Mr.
8 Jacques, showed you.

9 A. Yes, I received them through the
10 mail.

11 Q. Were they sent by the Corporation
12 of Pilots or were they sent by the Pilotage Authority?

13 A. They were sent by the pilots.

14 Q. Do you remember having gone to a
15 meeting of the apprentices convened by the Corporation
16 in order to explain the By-Laws of your District?

17 A. I was the only one who did not
18 attend because I was on board a vessel.

19 Q. But you remember that such a meeting
20 had been convened?

21 A. Yes.

22 Q. The past winter do you remember if
23 there was a kind of forum that has been organized
24 by the professors about the By-Laws and the regulations
25 of the Corporation and the Association of Pilots?

26 A. If there was a meeting of professors?

27 Q. Do you remember if, during the winter
28 course last year, the professors have organized
29 a kind of forum, a meeting during which apprentices
30 could ask all sorts of questions about the Association



1 French

2 and the Corporation and so forth?

3 A. I don't remember that, no.

4 Q. Thank you.

5
6 DIRECT EXAMINATION BY MR. LANGLOIS:

7
8 Q. One question your lordship. My
9 colleague, Mr. Jacques, asked a while ago if you had
10 obtained some unemployment insurance after your
11 service as a mate on vessels and your answer was yes.
12 Is that correct?

13 A. Yes.

14 Q. Could you please tell me if for your
15 work as an apprentice at any time you got some
16 unemployment insurance during the winter?

17 A. No, not as an apprentice.

18
19 RE-CROSS-EXAMINATION BY MR. BRISSET:

20
21 Q. One question my lord. Mr. Gilot
22 do you know what the pool is?

23 A. Yes.

24 Q. According to you, if I understand
25 correctly, the Association of Pilots in your District
26 has an aim to maintain this pool?

27 A. Yes.

28 Q. And the Corporation insofar as you
29 are concerned, according to you would it act accordingly?
30 Would it be the same thing for the Corporation to pool



1 French

2 the earnings?

3 A. Yes.

4 Q. Do you ever discuss amongst you,
5 the apprentice pilots, about this Association or
6 Corporation?

7 A. Very seldom.

8 Q. Generally speaking do the apprentices
9 think that the Association and the Corporation is
10 the kind of organization whose primary aim is to pool
11 the earnings?

12 A. Yes, this is the opinion of the
13 apprentices.

14 THE CHAIRMAN: Any further questions to
15 ask Mr. Gilot? Very well thank you Mr. Gilot.

16 MR. JACQUES: May it please the Commission,
17 the witness which is to be taxed.

18 THE CHAIRMAN: We will adjourn now until
19 tomorrow morning at ten o'clock.

20

21 ---WHEREUPON THE HEARING ADJOURNED UNTIL THURSDAY,

22 THE 3rd DAY OF OCTOBER,

23 1963.

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